

# Handbook for County Commissioners of Oklahoma

Ninth Edition



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## **Members of the Review Committee for the Ninth Edition of the Handbook for County Commissioners of Oklahoma**

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Cindy Bobbitt, Grant County

Steve Carter, Sequoyah County

Rod Cleveland, Cleveland County

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Association of County Commissioners of Oklahoma Administrative Office

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Gayle Ward, Executive Director

Office of the State Auditor and Inspector

Cheryl Wilson, Management Services Division

Tiffany Moore, Management Services Division

County Training Program, Oklahoma Cooperative Extension, Oklahoma State University

Judy Rudin, Local Government (Media) Specialist

Notie Lansford, Professor, Oklahoma Cooperative Extension Service

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# Chapter One

## County Government in Oklahoma

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### The County Government System in Oklahoma

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The 77 counties in Oklahoma serve as extensions or subdivisions of the State of Oklahoma. All counties receive their administrative powers from the state. The Oklahoma Constitution and the Oklahoma Statutes mandate and define all of the duties and responsibilities of county offices.

Some county officers are elected and others are appointed. Unlike municipal governments, county governments do not make new laws or ordinances. The state legislature enacts the laws that govern county government and that county governments enforce.

This chapter briefly explains the county government system in Oklahoma and discusses the duties and responsibilities of all county officials, both elected and non-elected.

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### Powers and Duties of County Government

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Oklahoma law states that “each organized county within the state shall be a body corporate and politic and as such shall be empowered for the following purposes:

- To sue and be sued
- To purchase and hold real and personal estate for the use of the county and lands sold for taxes as provided by law

- To sell and convey any real or personal estate owned by the county, and make such order respecting the same as may be deemed conducive to the interests of the inhabitants
- To execute leases of real property owned by the county to nonprofit corporations organized for the general purpose of historical preservation
- To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of corporate or administrative power
- To exercise such other and further powers as may be especially provided for by law

County governments in Oklahoma have the following primary responsibilities:

- Maintaining the peace
- Protecting health and property
- Enhancing economic opportunity

Within these broad categories, county officers perform several functions:

- Enforcing the laws
- Building and maintaining county roads
- Maintaining official records
- Collecting, maintaining, and disbursing county revenues
- Helping to ensure the physical health and well-being of county citizens

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## **Duties of County Officers**

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### ***Elected County Officers***

Oklahoma law stipulates that each county must have seven county offices, each one headed by an elected county officer. Five of these offices were established in the Oklahoma Constitution in 1907.

The following officers are elected by the eligible voters in the county at a general election.

- County Commissioners

Three in each county; one elected by the voters in each of the three districts

Oklahoma Constitution  
Article 17 § 2

- County Clerk

Article 17 § 2

- County Assessor

68 O.S. § 2814

Created by Oklahoma Statute in 1911; replaced town, city, and township assessors whose offices were abolished that same year

- County Treasurer

Oklahoma Constitution  
Article 17 § 2  
Article 17 § 2

- Court Clerk

Article 17 § 2

- County Sheriff

- District Attorney

19 O.S. § 215.1

An Oklahoma Statute in 1967 created the office and 27 districts and replaced County Attorneys. Voters from one or more counties within a district select a District Attorney to represent that district.

Each elected officer serves a four-year term in office. The officer's terms are staggered so that every two (even-numbered) years, the November general election includes ballots for only certain county officers.

- The District 1 and District 3 County Commissioners plus the County Treasurer, the County Assessor, and the District Attorney are elected in one election.
- The District 2 County Commissioner plus the County Clerk, the Court Clerk, and the County Sheriff are elected in one election.

OSU Extension Facts F-802, [Duties and Responsibilities of Elected County Officials](#), contains a table showing the schedule of election years for elected county officers and contains detailed descriptions of the officer's duties and responsibilities. Available from the Oklahoma Cooperative Extension Service at OSU.

## County Commissioners

One County Commissioner is elected from each of three districts within the county. These districts must, by law, be approximately equal in population. County Commissioners serve on the Board of County Commissioners and act as the principal administrators of the county. Their duties include the following activities:

- Selling or purchasing public land or buildings for the county
- Auditing the accounts of other county officers
- Approving the purchase of operating supplies, equipment, and services contracted for the county
- Supervising county road and bridge construction and maintenance
- Developing personnel policies, designating holidays, and approving salaries for county employees
- Approving payment of the county payroll
- Auditing and approving tort claims against the county
- Receiving and approving bids for major purchases or construction projects
- Authorizing and maintaining an inventory of all county property, owned or leased, that is valued at more than \$250.00 and is not used in road or bridge construction
- Preparing the county budget in conjunction with other county officers

19 O.S. § 321

19 O.S. § 339

19 O.S. § 339 (A.9)

19 O.S. § 326

6 O.S. § 1101

9 O.S. § 1502

- Monitoring the county solid waste program
- Calling county elections for various purposes
- Reapportioning commissioner districts in accordance with Census Bureau criteria
- Purchasing surety bonds (blanket bonds) to cover all county officers and employees

19 O.S. § 321B

19 O.S. § 167

19 O.S. § 622

19 O.S. § 326

25 O.S. § 307(E)

The Board of County Commissioners holds a regular monthly meeting at the county seat. All meetings of this board are open to the public except for executive sessions, which can be closed sessions under certain circumstances as defined by the statutes.

Refer to [Chapter Seven, Duties of the County Commissioner: General](#), for more information on the office of the County Commissioner.

## County Clerk

The County Clerk is the principal record keeper of the county. All legal instruments, including plat maps, deeds, mortgages, oil and gas leases, liens, and military discharge papers that are filed with the county by private citizens and public officials are preserved by the County Clerk. Other duties of the County Clerk include the following activities:

19 O.S. §§ 250, 284, 286

- Serving as secretary for the Board of County Commissioners and other county boards such as the County Excise Board
- Recording all appropriations and expenditures for each county office or department
- Preparing warrants or checks for paying county bills and payroll
- When serving as the county's purchasing agent, purchasing or leasing and maintaining all county supplies and equipment
- Acting as the registrar of deeds

19 O.S. §§ 244, 245

68 O.S. §§

2861(E), 3005.1(A)

19 O.S. §§ 243, 244

19 O.S. § 347

62 O.S. § 471

19 O.S. § 1501

19 O.S. § 287

## County Assessor

The County Assessor assesses all property for ad valorem taxation and submits the value of each property to the County Equalization Board and later to the State Board of Equalization for approval.

68 O.S. §§ 2814, 2815

68 O.S. § 2817

After receiving the certified millage rates from the County Excise Board, the County Assessor prepares the tax roll, which shows the taxes due on each county property and forwards the roll to the County Treasurer for tax collection.

The County Assessor also performs the following duties:

- Preparing and maintaining permanent records of all real and personal property including cadastral maps 68 O.S. §§ 2827, 2840
- Implementing the four-year visual inspection program for all property 68 O.S. § 2820  
68 O.S. § 2823
- Auditing any property for which the estimated fair cash value differs from the value submitted by the taxpayer
- Receiving and reviewing all applications for exemptions 68 O.S. § 2836
- Serving as a member of the Board of Tax Roll Corrections 68 O.S. § 2871

## County Treasurer

The County Treasurer is the chief financial officer for the county and administers all county monies. The County Treasurer receives, deposits, and maintains records for all county monies; redeems county warrants; apportions taxes to various accounts and to local public entities such as schools and cities; keeps records of all payments and expenditures made by the county; and presents county records and financial statements to the State Auditor and Inspector for audit.

19 O.S. §§ 623, 624, 625

The County Treasurer also receives the annual tax roll and tax roll warrant, prepares the ad valorem tax statements, and mails the statements to the property owners. The County Treasurer collects all county ad valorem taxes, issues delinquent personal and real property tax notices, and initiates and supervises tax sales on real property for nonpayment of taxes.

62 O.S. § 2869

## County Court Clerk

The Court Clerk's primary responsibilities are to record, file, and maintain District Court proceedings and maintain books useful for locating past court proceedings. The Court Clerk keeps summaries of court actions in an appearance docket; maintains case files; collects fines, fees, and forfeitures; and distributes or expends collected monies as provided by law. The Court Clerk also

12 O.S. §§ 22, 24, 29, 35.1

12 O.S. §§ 27, 28

28 O.S. § 31

issues legal warrants, court orders, passports, and marriage (as authorized by a judge), beer, pool hall, and other county licenses.

### **County Sheriff**

The County Sheriff is the chief law officer responsible for preserving the peace and protecting life and property in the county. The County Sheriff apprehends persons charged with criminal activity; operates the county jail; serves warrants and process papers of the District Court and other lawful authorities; handles various nuisances or dangers to the public; and handles safety matters. The County Sheriff may also assist the state in handling state prisoners.

19 O.S. §§  
513, 514, 516, 526, 545

### **County Budget Boards**

Counties that have resolved to operate under the County Budget Act have Budget Boards composed of the eight elected county officers listed above. The Budget Board reviews the annual estimate of needs of each county department, revises these estimates if advisable, proposes a budget, conducts public hearings, and adopts a budget. The Budget Board also authorizes transfers of certain funds from one county budget account to another and may make supplemental appropriations to the budget.

19 O.S. §§ 1403, 1407

### **District Attorney**

The District Attorney is the chief prosecutor within each of 27 districts in Oklahoma. Most District Attorneys serve more than one county. The District Attorney performs the following duties and may be assisted by one or more Assistant District Attorneys.

19 O.S. §§ 215.1, 215.4

- Serves as criminal prosecutor in district court
- Assists a grand jury with legal advice, witness examination, and indictments
- Provides witness and victim assistance
- Represents the county in all civil actions or proceedings in which the county is a party
- Serves as the principal legal counsel for county government to give opinion and advice to the Board of County Commissioners and other civil officers of the county when requested by such officers and boards, on all matters in which the county is interested, or relating to the duties of the boards or officers in the county.

### **Outside Counsel**

19 O.S. § 527

The County Sheriff, County Treasurer or County Assessor has the authority to employ a general counsel, either in-house as a staff attorney or through an outside law firm, to advise or represent that officer and office in performing the official duties of that office. The Board of County Commissioners must approve all contracts for outside counsel. Any general counsel employed must be compensated from the funds of the employing county office.

In any proceeding in which a county officer brings an action against another county officer, the district attorney shall not represent either county officer in the action. If the District Attorney and the Board of County Commissioners agree, the county may hire outside counsel at the expense of the county.

19 O.S. § 215.25(H)  
19 O.S. § 215.37M(B)

### ***Non-Elected County Officers and Boards***

County governments in Oklahoma are managed by both elected and non-elected officers. The following list includes officers and board members that might serve the county by appointment:

- County Engineer
- County Extension Office professionals
- Superintendent of Health
- County Medical Examiner
- County Safety Director
- Safety Coordinators
- County Board of Equalization members
- County Excise Board members
- Board of Tax Roll Corrections members
- County Emergency Management Director  
(Formerly the County Civil Defense Director)



- County Board of Public Welfare members
- County Election Board members
- County Free Fair Board members

**OSU Extension Facts No. 803, Duties and Responsibilities of Non-Elected County Officials**, contains detailed information on the duties and responsibilities of non-elected county officers. Available at (website)

## County Engineer

The County Engineer oversees county highway programs and may assist with maintenance and construction projects. The County Engineer also keeps records of county roadwork costs.

69 O.S. §§ 624, 625, 626

Counties may hire either a full-time or part-time engineer or may enter into a contract with an engineering consultant. Several counties may share the services of one engineer. In some cases, the State Department of Transportation may provide engineering services.

Counties may now join with other counties located within their Association of County Commissioners of Oklahoma (ACCO) districts to form Circuit Engineering Districts (see Chapter Thirteen, Duties of the County Commissioner: Circuit Engineering Districts). Counties within these Circuit Engineering Districts may share an engineer hired by, or under contract to, a district.

69 O.S. § 687.1

## County Extension Office Personnel

The [Oklahoma Cooperative Extension Service \(OCES\)](#) maintains the County Extension Office and hires, with the approval of the Board of County Commissioners, the County Extension Office Director. OCES represents a federal, state, and county partnership that serves as a link between the state's land-grant University (Oklahoma State University) and the people of Oklahoma. It provides non-biased, research-based information on a variety of topics.

70 O.S. § 3418

Through the County Extension Office staff, OCES provides educational resources and programs organized into four major areas:

- Agriculture
- Family Life, Nutrition, and Health
- 4-H and Youth Development
- Rural Development

### **County Board of Health/Superintendent of Health**

The County Board of Health consists of five members, two appointed by the State Commissioner of Health, two by the county commissioners, and one by the district court. This Board establishes and maintains a county health department, a district health department, or a cooperative health department.

63 O.S. §§ 1-201-1-210

Two or more boards of health may form a health district. County boards of health and/or health districts may join cities, towns, and schools to form cooperative departments of health. Primary purposes include prevention and control of disease and other health dangers, education of the public, providing preventive services, keeping vital records, and assisting the State Commissioner of Health. Financing is achieved by county mill levy, state funds, user fees, and sometimes an earmarked sales tax.

For any county without a health department and which does not participate in a district health department, the State Commissioner of Health appoints a county superintendent of health.

### **County Medical Examiner**

The Oklahoma Chief Medical Examiner appoints medical examiners for each county to investigate the cause and manner of deaths within the county and to make written reports.

63 O.S. § 937

### **County Safety Director**

The Board of County Commissioners must appoint an individual to coordinate all county safety programs. This individual must ensure that safety classes on subjects related to that office are provided at least quarterly for all county employees.

40 O.S. § 403(E)

## Safety Coordinators

Each county officer may also appoint a Safety Coordinator to coordinate safety programs for employees in that office. The Safety Coordinators report to the County Safety Director.

40 O.S. § 403(E)

ACCO publishes the *ACCO Fire and Safety Manual*, which contains additional information about safety in county offices.

## County Board of Equalization Members

The primary duty of the three members of the County Board of Equalization is to ensure equalization of property taxes. The County Board of Equalization hears protests, reviews property tax assessment records, reviews homestead exemption applications, and corrects errors. The board members may raise or lower appraised values of properties, add omitted property to the tax roll, declare certain property non-taxable, and make other tax-related decisions.

68 O.S. § 2861 ~2864

Members of the County Board of Equalization also serve on the County Excise Board. The Board of County Commissioners, the Commissioners of the Oklahoma Tax Commission, and a district judge, or a majority of district judges, each appoints one member to the County Board of Equalization. The County Clerk serves as secretary to this board.

68 O.S. § 2861(E)

## County Excise Board Members

The County Excise Board, composed of the members of the County Board of Equalization, oversees and reviews all county, school district, and city budgets to determine if they are legally and adequately funded within the revenues available.

68 O.S. § 3005.1  
68 O.S. §§ 3006, 3007

In its functionings, the County Excise Board is considered an agency of the state, as a part of the system of checks and balances required by the Constitution. It is empowered to require adequate and accurate reporting of finances and expenditures for all budget and supplemental purposes, charged with the duty of requiring adequate provision for performance of mandatory constitutional and statutory governmental functions within the means available, but it shall have no authority to deny any appropriation for a lawful purpose if sufficient income and revenue is provided. This board also performs the following functions:

- Reviews and approves the county budget
- Fixes the tax levy or millage rate

- Gives public notice that the budget and tax levies are open to public discussion

The County Excise Board meets at the county seat on the first Monday of July each year to organize and elect a chairman and vice-chairman to perform excise duties for that fiscal year. The County Excise Board may meet from day to day or adjourn from day to day and time to time to complete its business. The County Clerk serves as secretary to the County Excise Board.

### **Course of Instruction Required**

Each member of the County Excise Board is required to attend and successfully complete a course of instruction that consists of at least six hours within 18 months of appointment for the first four years of service on the board and three hours of instruction for every four years of service after the expiration of the initial four-year period.

68 O.S. § 3006(C)

The course of instruction shall include the duties and responsibilities of the county excise board, including duties and responsibilities related to authorized millage rates imposed by local taxing jurisdictions. The course shall be offered by or approved by the Oklahoma State University Cooperative Extension Service.

### **Board of Tax Roll Corrections Members**

Members of the Board of Tax Roll Corrections include the Chairman of the Board of County Commissioners as chairman, the Chairman of the Equalization Board as vice-chairman, and the County Assessor as a member. The County Clerk serves as secretary, but is a non-voting member.

68 O.S. § 2871

This board investigates reports of errors in the certified tax rolls and corrects these errors when warranted. Such corrections might include mathematical errors or missing information such as a homestead exemption.

### **County Emergency Management Director**

The County Emergency Management Director, formerly called the County Civil Defense Director, manages the County Emergency Management Program, which is a coordinated effort of local, state, and federal governments to maintain procedures and resources sufficient to meet emergency situations ranging from natural disasters to enemy attacks.

63 O.S. §§ 683.11, 683.12

The County Emergency Management Director also works with the county's Local Emergency Planning Committee (LEPC). These committees are responsible for helping to facilitate

communications between facilities that handle hazardous materials and their respective communities. This activity is mandated by the Risk Management Program (RMP) provisions of the federal Clean Air Act Amendments of 1990.

### **The County Board of Public Welfare Members**

The State Welfare Commission appoints members to the County Board of Public Welfare, which administers state and federal assistance programs for needy persons such as disabled or handicapped adults and children and dependent children.

56 O.S. § 163

### **County Election Board Members**

The State Election Board appoints three members to the County Election Board who are responsible for ensuring that all of the steps necessary to organize, administer, and hold official elections are performed correctly. These steps include printing, distributing, collecting, and counting ballots and delivering them to the State Election Board. The County Election Board appoints a secretary, and an election judge, clerk, and inspector in each precinct.

26 O.S. § 2-110, 2-111, 2-111.1

26 O.S. § 2-124, 2-125

### **County Free Fair Board Members**

The board of directors of a Free Fair Association shall be composed of nine members, who shall be elected for a term of four years. Three members shall be elected from each County Commissioner's district.

2 O.S. § 15-68  
Effective 01/01/2013

#### **Election**

The elections for members of the board of directors shall be conducted by the County Election Board in the same manner as election of other county officers, but on a nonpartisan basis. No fee or petition is required to file a declaration of candidacy for office as a member of the board of directors.

2 O.S. § 15-68.2

#### **Terms of Office**

Within each County Commissioner's district, the term of one person serving as a member of a board of directors of a Free Fair Association on January 1, 2013, is extended until December 31, 2014, and the terms of two people serving as members are extended until December 31, 2016. The County Commissioner in office on January 1, 2013, shall designate in writing the members whose terms are to be extended and shall file the designation with the County Clerk. In the 2014 regular election

2 O.S. § 15-68.1

cycle and in the regular election cycle every four years thereafter, one person shall be elected from each County Commissioner's district for a four-year term to begin January 1 of the year following the year of the election, whose position shall be designated as office #1. In the 2016 regular election cycle and in the regular election cycle every four years thereafter, two people shall be elected from each County Commissioner's district for four-year terms to begin January 1 of the year following the year of the election, whose positions shall be designated as office #2 and office #3.

### **Vacancies**

In the event of a vacancy in the office of board of directors of a Free Fair Association, the Board of County Commissioners shall appoint a person to serve in the position for the remainder of the unexpired term.

2 O.S. § 15-68.3

### **Meetings**

The directors shall meet at the next regularly scheduled monthly meeting immediately following the elections at the regular meeting place of the counties for the purpose of organization, and shall elect a president, a vice-president, a secretary and a treasurer; provided, that the secretary need not be a member of the board of directors.

Meetings of the directors may be called by the president of the board or fixed by the board at any time convenient.

### **Surety Bond**

The treasurer shall furnish a surety bond executed with a qualified surety company doing business in this state, in such amount as the directors of the board may determine to be necessary to indemnify against any loss which may arise by reason of failure to perform the necessary duties of the office or other misconduct in office for which the director shall be held liable.

26 O.S.  
§§ 2-124, 2-125, 2-126

### **Other Non-Elected Officers**

Other non-elected county officers may serve with other county organizations, which might include the following groups:

20 O.S §§ 1204, 1205, 1208

- County Law Library Board of Trustees
- City-County Park and Recreation Commission

19 O.S. § 1002, 1004

- Land Use Planning Commission
- County Hospital Board of Control

19 O.S. § 863.1

19 O.S. § 789, 790.1

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## Chapter Two

# Sources of County Revenue

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This chapter explains the sources of revenue for counties in Oklahoma and discusses the various revenue funds that counties can operate.

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## County Funds

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### *The County General Fund*

The Oklahoma Constitution and the Oklahoma Statutes authorize counties to create a County General Fund, which is the county's primary source of operating revenue.

Oklahoma Constitution  
Article 10, § 9

The County General Fund is typically used to pay most county employees' salaries plus many expenses for county maintenance and operation. It also provides revenue for various budget accounts and accounts that support special services and programs. [Table 2-1](#) shows some options for revenue amounts that could be apportioned to budget accounts that support special services as established by the statutes.

62 O.S. § 331  
68 O.S. §§ 3009, 3011

The Board of County Commissioners must review and approve all expenditures made from the County General Fund.

The primary revenue source for the County General Fund is usually the county's ad valorem tax collected on real, personal (if applicable), and public service property. Smaller amounts of revenue can come from other sources:

62 O.S. § 331

**Table 2-1. County General Fund Budget  
Accounts and Regulations for Special Services**

62 O.S. § 331

| Budget Account                                                | Regulated Amount of Deposit                                                                              |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Crippled Children                                             | Oklahoma Supreme Court – State v Malibie 1981 OK 18 630 P.2d 310 – declared unconstitutional             |
| County Audit                                                  | Mandatory to provide one-tenth mill                                                                      |
| Governmental                                                  | Optional with the Board of County Commissioners                                                          |
| Tick Eradication                                              | Optional with the Board of County Commissioners                                                          |
| Highway Levy for road and bridge construction and maintenance | Optional with the Board of County Commissioners                                                          |
| Free Fair                                                     | Optional within the limit of the applicable statute under which the free fair is organized               |
| Free Fair Improvement                                         | Optional within the net proceeds of one mill                                                             |
| Free Fair Additional Improvement                              | Optional within the net proceeds of one mill                                                             |
| Library                                                       | Optional within the net proceeds of one-half mill                                                        |
| Public Health                                                 | Optional within the net proceeds of one mill (when coordinated by the State Department of Public Health) |
| Bovine T.B.                                                   | Optional within the limit of \$5,000                                                                     |
| Farm and Home Demonstration                                   | Variable with the size of the county (optional within statutory limitations)                             |

- Fees and collections
- County sales and/or use tax
- State transfer payments
- In-lieu taxes
- Reimbursements
- Cash Funds

62 O.S. § 335  
68 O.S. §§  
1370, 1370.1, 1404.1

63 O.S. § 1066

In [Figure 2-1](#), a graph shows the average general fund county revenue sources for FY 2004. This graph depicts the average general fund sources for all 77 counties in Oklahoma. Not all counties receive revenue from all of the items included in the graph. For example, not all counties have a county sales tax.

### Ad Valorem Tax Collections

Ad valorem means “according to value” or “in proportion to value.” Most people use the terms ad valorem and property tax interchangeably. Property tax is an ad valorem tax because the amount of tax is directly proportional to the taxable value of the property.

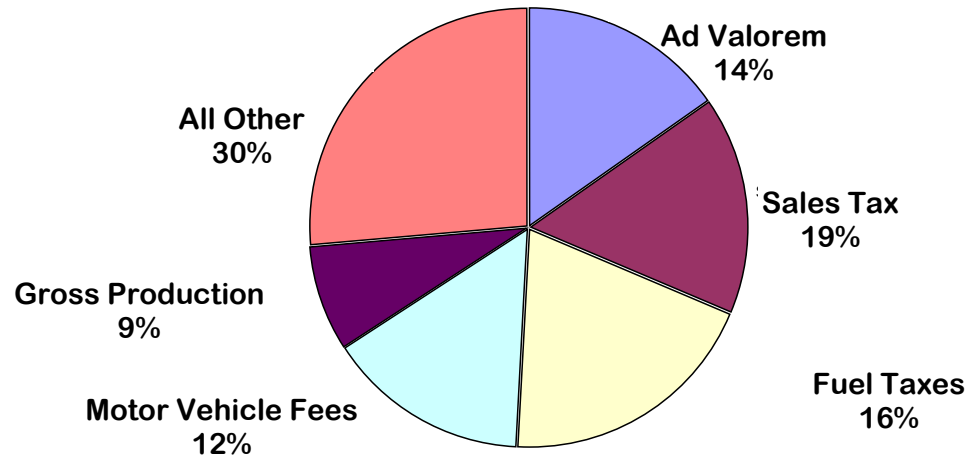
Ad valorem taxes are collected on two types of property: real property and personal property.

68 O.S. § 2806  
68 O.S. § 2807

Property taxes are measured in mills. A mill is one-thousandth or \$1 tax for every \$1,000 of taxable value. Taxable value (assessed value) is equal to the fair cash value multiplied by the assessment percentage or ratio.

The County Excise Board can lawfully set the levy not to exceed fifteen mills (five of which is apportioned for school district purposes). They can then apportion the anticipated revenue among the county, cities, towns, and school districts.

## Average County General Fund Revenue, FY 2004 All 77 Counties



Sources of revenue include all revenues to General, County Highway, and Special Revenue funds. The percent of revenue by source was calculated for each of the seventy-seven counties. Then the average of the seventy-seven counties was computed based on the statistics of the individual counties.

Source: The data for this graph comes from the *Abstract of the General Fund for Counties in Oklahoma* published by the Oklahoma Cooperative Extension Service at Oklahoma State University, available at <http://www.rd.okstate.edu/RDPublications.htm#D>.



**Note** This graph shows a general average of all 77 counties in Oklahoma. Not all counties receive revenue from all of the sources shown. For example, not all counties have a sales tax.

**Figure 2-1. Average County General Fund Revenue FY 2004**



**The Oklahoma Constitution limits the real property applied assessment percentage to between 11 and 13.5% of fair cash value and the personal property applied assessment percentage to between 10 and 15% of fair cash value. These amounts can be changed by county-wide vote of the people.**

Oklahoma Constitution  
Article 10, § 8

Table 2-2 shows the ad valorem taxation process and the responsibilities of the various county offices in that process.

The *Oklahoma Ad Valorem Mill Levies, Fiscal Year 2006*, published by the [Oklahoma Cooperative Extension Service](#) at OSU, contains a statewide, comprehensive listing, by county, of statewide local government millages.

This document is available at  
<http://www.rd.okstate.edu/RDPublications.htm#D>.

### Real Property

Real property consists of land or a combination of land and building improvements. The County Assessor determines the fair cash value according to how this real estate is being used. Any change in the property during the year, such as new construction or the removal of a building, results in a reassessment. The assessor must reassess each piece of real property at least every four years.

68 O.S. § 2806

### Personal Property

Personal property includes individual personal property and business personal property.

68 O.S. § 2807

Individual personal property includes such things as clothing, furniture, tools, jewelry, silverware, sporting equipment, pianos, grain loaders, saddles, and other items.

Business personal property includes commercial, business, and professional equipment such as furniture, machinery, merchandise inventories, merchandise on consignment, and merchandise on leased land.

68 O.S. § 2807

**Table 2-2. County Ad Valorem Taxation Process**

| Office or Board     | Activity                                                                                                                                                                                                 |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| County Assessor     | Appraises real property and accepts renditions on personal property.<br>Appraised value = fair cash value according to use                                                                               |
|                     | Applies assessment ratio to appraised value<br>$\text{Appraised value} \times \text{assessment ratio} = \text{gross assessed valuation}$                                                                 |
|                     | Applies applicable exemptions to determine net assessed valuation.<br>$\text{Gross assessed valuation} - \text{exemptions} = \text{net assessed (or taxable) valuation}$                                 |
|                     | Prepares a summary of the assessment rolls (an abstract of all valuations of taxable property in the county)                                                                                             |
|                     | <ul style="list-style-type: none"> <li>• Certifies and presents this summary to the County Excise/Equalization Board and the Oklahoma Tax Commission</li> </ul>                                          |
| County Excise Board | Receives and reviews the County Assessor's summary, which shows the county's tax base<br>Later receives certified values from State Board of Equalization<br>$\text{(county's total taxable valuation)}$ |
|                     | <ul style="list-style-type: none"> <li>• Receives and reviews estimates of needs from each department of county government</li> </ul>                                                                    |
|                     | Determines exact tax levy and certifies the levies to the County Assessor<br>$\text{Levy (up to constitutional limitation)} = \frac{\text{tax revenues needed}}{\text{taxable valuation}} \times 1000$   |

**Table 2-2. County Ad Valorem Taxation Process (Continued)**

|                  |                                                                                                                                        |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| County Assessor  | Applies the levy to each entry on the assessment rolls<br>$\text{Mill rate} \times \frac{\text{taxable valuation}}{1000} = \text{tax}$ |
|                  | Prepares the tax rolls                                                                                                                 |
|                  | Certifies the tax rolls to the County Treasurer                                                                                        |
| County Treasurer | Prepares and mails tax statements                                                                                                      |
|                  | Receives tax payments                                                                                                                  |
|                  | Issues delinquent tax notices and warrants on personal property                                                                        |
|                  | Initiates and supervises tax sales on real property for nonpayment of taxes                                                            |

Table 2-3 shows a hypothetical computation of the property tax due on an \$80,000 house in a county where the assessment ratio is 12% and the levy is 80 mills.

**Table 2-3. Property Tax Calculation**

|                                                  |             |
|--------------------------------------------------|-------------|
| Fair cash value of a home                        | \$80,000.00 |
| Times the assessment ratio                       | x .12       |
| Equals assessed value                            | \$9,600.00  |
| Less homestead exemption                         | <1,000.00>  |
| Equals net assessed value                        | \$8,600.00  |
| Times the tax rate (80 mills) or 80/1000 = 0.080 | x 0.080     |
| Equals tax due                                   | \$688.00    |



### **Counties can elect to abolish household personal property taxes.**

**For counties that have passed the county option to abolish household personal property and livestock in support of the family, the constitutional 10-mill limitation is increased to compensate for the loss in the tax base and make the tax base revenue neutral in tax collections in the year in which it was passed by a vote of the people.**

Oklahoma Constitution  
Article 10, § 8A

### **Exemptions to Ad Valorem Taxation**

The Oklahoma Statutes provide for tax exemptions for governmental, educational, religious, and charitable institutions.

68 O.S. § 2887

They also provide for other exemptions such as the homestead exemption.

### **Homestead Exemption**

Persons who own homes in the county are eligible for a homestead exemption provided the home is their actual permanent residence and they are citizens of Oklahoma.

A homestead is exempt from ad valorem taxation up to \$1,000 of the assessed value. (The property's taxable valuation less \$1,000)

68 O.S. §§ 2888, 2889

Persons who purchased homes during the past year are eligible for a homestead exemption if the following two criteria apply:

1. The persons were actually living on the property on January 1 of the current taxable year.
2. The deed or other evidence of ownership has been or will be filed for record in the County Clerk's office prior to February 1 in the year in which the owner first applies for the homestead exemption.

Property owners are not entitled to homestead exemption if any of the following criteria apply:

- The owner is not actually residing on the property on January 1 of the taxable year.
- The property is rented.
- The deed or other conveyance of title is not on record in the County Clerk's office prior to February 1 of the year in which the owner first applies for the homestead exemption.



- The title to the property is in probate (except for the surviving spouse or minor children living on the property).

### **Additional Homestead Exemption**

An additional homestead exemption is an additional exemption allowed to any homeowner who meets the following conditions:

68 O.S. § 2890

- The homeowner is eligible for a homestead exemption.
- Application for additional homestead must be made annually on or before March 15.
- The homeowner's gross household income is \$20,000 or less for the preceding year.

### **Ad Valorem Tax Refunds or Credits**

A head of household can qualify for a refund or credit of ad valorem tax payments if the following conditions apply:

68 O.S. § 2906

- The person is totally disabled or is 65 years of age or older.
- The person's gross household income is \$12,000 or less.
- The person has been living in the state during the entire preceding year.
- The person has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard, and has been certified by the United States Department of Veterans Affairs or its successor to have a 100% permanent disability sustained through military action or accident or resulting from disease contracted while in such active service, or is the surviving spouse of the person.

Oklahoma Constitution  
Article 10, Section 8E

### **Fees and Collections**

Fees and collections are another source of revenue for the County General Fund. They are revenue sources generated by a political subdivision. Fees are charged for services provided. The services and accompanying fees may be established by the legislature, municipal ordinance, or an administrative action by a governing board. Collections are the revenues obtained from the fees.

28 O.S. § 43

For example, the County Clerk collects a fee for recording deeds and other legal documents. Cities and town establish fees for issuing permits, providing utilities, animal licenses, and other services. The various fees and collections are included on the financial statement.

28 O.S. § 32

## County Sales Tax

County sales tax revenues can also be placed in the County General Fund. Any county with a population of 300,000 or less may levy up to a two percent county sales tax. Counties with populations larger than 300,000 may levy a restricted tax of one-half of one percent or one percent to finance certain facilities.

68 O.S. § 1370  
68 O.S. §§ 1370.1, 1307.2, 1370.3,  
1370.4, 1370.5, 1370.6



**County sales tax revenues can also be kept in a separate revolving fund that has been specifically set up for that purpose.**

To institute a county sales tax, the Board of County Commissioners must call an election or an initiative petition must be completed. In either case, an election is held to perform the following activities:

- Implement the tax
- Set the tax levy
- Set the duration of the tax which may be for a specific or indefinite time period
- Set the use(s) for which the sales tax collections will be used

A simple majority of the eligible voters in the county is required to pass the sales tax.

68 O.S. § 1370

Sales tax revenues may be used for general operations, capitol improvements, county roads, or other necessary uses as designated. Such uses must promote the safety, security, and the general well being of the people of the county.



**Incorporated cities and towns are allowed to levy a sales tax. Any municipal sales tax would be in addition to the 4.5 percent levied by the state and the maximum two percent allowed for county government. The amount of a municipal sales tax must be approved by a majority vote of the registered voters at a general or special election.**

68 O.S. §§ 1354\*, 2701  
\*Effective 07/01/2013

## County Use Tax

Counties can also levy an additional excise tax (“use” tax) on tangible personal property that is used, stored, or consumed within the county or municipality.

68 O.S. § 1411

Refer to OSU Extension Facts [F-765, Use Tax for County Government](#) for additional information on use tax.

## State Transfer Payments

The State of Oklahoma makes transfer payments to counties, cities, towns, and school districts, some of which are deposited into the County General Fund. Some state transfer payments may be deposited into various cash funds, which are discussed later in this chapter. State transfer payments are generated primarily from the following sources:

- County Bridge and Road Improvement Fund
- Motor fuel excise taxes
- Special fuel taxes
- Collections
- Forfeiture taxes
- Motor vehicle license and registration fees
- Gross production tax

68 O.S. § 500.6(A5, A.6, A7)

68 O.S. § 500.7

69 O.S. § 706

47 O.S. § 1104

68 O.S. § 1004

In addition, school districts receive funds from the state rural electric co-op tax according to the number of miles of power lines within each district. Cities and towns receive funds from the state alcoholic beverage tax based on total area and population. Counties and municipalities with racetracks also receive monies from admission fees.

The Oklahoma Tax Commission makes transfer payments to the County Treasurer for counties and school districts. Cities and towns receive their shares directly from the Oklahoma Tax Commission.

[Table 2-4](#) shows the sources and uses of state monies that are transferred to counties.

The [Oklahoma Tax Commission](#) booklet, *State Payments to Local Governments*, summarizes the monies returned to each political subdivision and provides statute references for tax authorization and apportionment.

## In-Lieu Taxes

In-lieu taxes, which are deposited into the County General Fund, are taxes that substitute for, or take the place of, ad valorem taxes. In lieu taxes come from the following sources:

- Auto Tax Stamps 68 O.S. §§ 5301
- Registration fees and taxes on aircraft 47 O.S. § 1137.1
- Registration and licenses for vessels and motors 3 O.S. § 256
- Textile taxes 63 O.S. § 4003
- Farm tractors and equipment 68 O.S. § 2001
- New vehicle inventory 68 O.S. §§ 5401-5404
- 68 O.S. § 5301

## Reimbursements

Counties may receive reimbursement revenues such as the following examples, which also go into the County General Fund.

- All local jurisdictions (such as school districts or road districts) that benefit from ad valorem assessment pay a pro-rated share of the total visual inspection budget for the County Assessor's program of visual inspection where county properties are visually inspected at least once every four years and revalued annually. This cost is included in the county budget and the local jurisdictions reimburse their shares of the cost to the county. 68 O.S. § 2817
- 68 O.S. § 2820
- 68 O.S. § 2822
- 68 O.S. § 2823

**Table 2-4. State Transfer Payment Sources and Uses**

| Revenue Source/Tax Rate                                                                  | Use           |                |                   |
|------------------------------------------------------------------------------------------|---------------|----------------|-------------------|
|                                                                                          | County Roads* | County Schools | County Government |
| Gasoline Excise Tax (\$.16/gallon)                                                       | 32.75%        |                |                   |
| Diesel Excise Tax (\$.13/gallon)                                                         | 34.27%        |                |                   |
| Special Fuel (\$.16/gallon)<br>68 O.S. §§ 500.6, 703, 704, 705, 706, 707.1, 707.2, 707.3 | 29.89%        |                |                   |
| Gross Production Tax (oil) 7% Tax<br>68 O.S. §§ 1001, 1004                               | 11.427**      | 7.14           |                   |
| Gross Production Tax (natural gas) 7% Tax<br>68 O.S. §§ 1001, 1104                       | 7.147         | 7.14           |                   |
| Motor Vehicle Licenses<br>47 O.S. § 1104                                                 | 13.45%        | 36.20%         | 0.83%             |
| Rural Electric Co-op Tax<br>68 O.S. §§ 1803, 1806                                        |               | 95%            |                   |
| Counties with Racetracks:<br>Admission Fee Tax<br>3A O.S. § 207                          |               |                | 50%               |
| Gross Production Tax (asphalt or ores<br>¾ of 1% of value<br>68 O.S. § 1001              | 7.14%         | 7.14%          |                   |

\*Percentages for county roads include County Bridge and Road Improvement Fund.

\*\* 4.28% to County Bridge and Road Improvement Fund of the State Treasury

The county initially pays for certain expenses for the District Attorney, but the state, through the District Attorneys Council, reimburses the county for certain expenses that the county is not required to provide, such as maintenance, operation, and capital outlay. Counties must provide the District Attorney with office space, including heating, cooling, and maintenance of that space; a law library and necessary legal subscriptions; and funds for investigation, prosecution, or defense of any action where the county is a party.

19 O.S. §§ 215.36, 215.37B, 215.38

- The county initially pays salaries and fringe benefits for each election board secretary, but the state, through funds appropriated by the state legislature, reimburses the county at a rate not to exceed 135% of the specified salaries. The county files claims for this reimbursement with the Secretary of the State Election Board.
- The county may receive reimbursements for ad valorem exemptions such as additional homestead exemptions; exemptions granted for new or expanded manufacturing or research and development facilities; and state owned agricultural land for which no state agency is making an in-lieu ad valorem payment.

26 O.S. §§2-118, 2-119, 2-121

62 O.S. §§ 193, 194

## ***Special Revenue Funds***

### **Ad Valorem Funded Special Revenue Funds**

The proceeds of specific revenue sources that can be expended only for specified purposes as restricted by the statutes are held in special revenue funds. The following funds are examples of special revenue funds that derive revenue from ad valorem tax levies:

- County Health Department
- County Building
- Emergency Medical Services
- Solid Waste Management District - 3 mills
- County Industrial Development Fund – 5 mills
- Cooperative Library – 1~4 mills
- County Sinking Fund

Oklahoma Constitution  
Article 10, § 9A  
63 O.S. § 1-223

Oklahoma Constitution  
Article 10, § 10

Oklahoma Constitution  
Article 10, § 9Ca

## Cash Funds

Special revenue funds whose revenues are not derived from ad valorem tax levies are commonly called cash funds and, as special revenue funds, must be accounted for separately. Accounts within a cash fund are not subject to fiscal year limitations, which means that any cash surplus in an account at the end of a fiscal year remains with that account at the beginning of the new fiscal year.

Cash fund revenues come from three sources:

1. Excise taxes that the State of Oklahoma collects and distributes to counties
2. State of Oklahoma contributions from its General Revenue Fund
3. Local collections of monies

Cash funds differ from the County General Fund in one important way. County General Funds can be apportioned by the County Excise Board according to anticipated receipts. Revenue in cash funds must be actually collected before it can be disbursed. The following are some examples of county cash funds:

- County Sales Tax Fund 68 § 1370 (E)
- County Assessor's Fee Revolving Fund 68 § 2829.1
- Emergency Management Fund 63 § 683.17
- County Community Service Sentencing Program (CSSP) Fund 22 § 991a 4.1
- County Commissioners' Litter Reward Fund 22 § 1334
- County Highway Fund 69 § 1503
- County Commissioners' Flood Plain Cash Fund 82 §§ 1601, 1602  
27A §§ 1-3-101, 2-4-302
- County Clerk's Lien Fee Fund 19 § 265
- County Fair Board Free Fair Fund 2 § 15-59
- Court Clerk's Child Abuse Prevention Fund 63 § 1-227  
28 § 86.1
- District Attorney's Bogus Check Restitution Fund 22 § 991f-1.1 (E)

- County Sheriff's Training Fund 22 § 1325
- County Sheriff's Service Fee Fund 19 § 514.1
- County Sheriff's Prisoners' Board Fund 19 § 180.43 (A)  
68 § 2913
- County Treasurer's Resale Property Fund
- County Sheriff's Trash Dumping Fund 22 § 1334 (A~J)  
21 § 1761.1 (A~H)  
68 § 1904
- County Treasurer's Mortgage Certification Fee Fund
- Preservation Fee Fund (Effective July 1, 2001) 28 § 32  
51 § 24A.5 (3)
- Copy Fee Fund 68 O.S. § 1370.9
- County Lodging Tax Revolving Fund 2 O.S., § 15-13
- Free Fair Building Fund (authorization to invest monies)

### *Special Cash Funds*

Some special cash funds are established periodically as the need arises for federal and state grant programs such as the following examples:

- Home rehabilitation grant fund
- Rural water district fund
- Fire district fund
- Special road/bridge repair fund

These special funds are usually set up for the life of the grant program or the special construction project. At the end of the project, the fund is closed. For example, after a storm-related disaster, Federal Emergency Management Agency (FEMA) funds might be deposited into a special account for replacing washed-out bridges. The fund is active only until the project is finished.



### Cash Fund Appropriations

A cash fund appropriation is an appropriation made on a periodic basis, usually monthly or quarterly, into a specific cash fund after monies have been received.

A cash fund is designated for a specific purpose and its revenues usually come from monies collected by the state and transferred to the counties. All cash funds have a title that identifies where the revenue is deposited and for what it is to be used. Revenue from one cash fund cannot be transferred to another fund.

A cash fund appropriation cannot be made until the revenue is received and deposited into the fund. Once cash funds have reached the County Treasury, county officials can begin to appropriate these funds. Requests for cash fund monies are made on SA&I Form No. 308, *Cash Fund Estimate of Needs and Request for Appropriation*. Budgets and appropriations are discussed in [Chapter Three, The County Budget Process](#).

Upon receipt of the monies, the Board of County Commissioners approves an estimate of needs and forwards the request for appropriation to the County Excise Board in Budget Board counties.

The County Treasurer, the Board of County Commissioners, the County Clerk, and the County Excise Board are involved in the appropriation procedure and should follow the steps indicated on the form.

1. The County Treasurer prepares part one of the form for the Board of County Commissioners. This part certifies the amounts available for appropriation into the various cash funds.
2. The Board of County Commissioners submits the amount needed and specifies the purpose of the proposed expenditures to the County Excise Board. The Chairman of the Board of County Commissioners signs the request on the second part of the form.
3. The County Clerk maintains the appropriation ledger, which shows the balance and expenditures for each fund.
4. The County Excise Board reviews the County Treasurer's certification and the Board of County Commissioner's request to determine that the funds are available and that the Board is requesting them according to law. If these two criteria are met, the County Excise Board members approve the request and sign the third part of the form.

In counties with a Budget Board, final approval is made by the Budget Board rather than the County Excise Board.

Once the form is completed, the county officer governing the cash fund has legal authorization to expend the funds.

### ***Capital Projects Funds***

Money used to acquire or construct major capital facilities is maintained in a capital project fund. For example, money from a road bond issue is recorded in a capital project fund along with expenditures for the road improvement project.

### **Debt Service Funds**

To ensure the adequate accumulation of principal and interest to retire a debt, accounting is maintained through a debt service fund called a sinking fund. Debt issues are typically designed so that the size of the debt service payments (both principal and interest) is very similar from one year to the next. Therefore, the ad valorem tax levy collected and placed in the sinking fund is about the same from year to year. The exact mill levy each year depends on the debt service payment and the taxable valuation.

### ***Special Assessment Funds***

Sometimes public improvement districts are established in which the property owners who receive a direct benefit from the improvement pay a proportional share of the expense. The money paid to finance such projects is recorded in a special assessment fund.

### ***Audit Funds***

The following funds are classified as audit funds by the Office of the State Auditor and Inspector.

### **Proprietary Funds**

Proprietary funds follow the accrual basis of accounting. Revenues are recognized in the accounting period in which they are earned and become measurable. Expenses are recognized in the period in which they are incurred.

## Enterprise Funds

When a county intends to finance the provision of goods or services through user fees or charges, an enterprise fund is used to account for the revenues earned, expenses (including depreciation), and net income from the function. The Oklahoma County parking garage is an example of an enterprise fund project.

## Internal Service Funds

Some functions within county government are to provide goods and services to multiple individual departments from a centralized source. For example, a county may have a central source for office supplies for all county offices. Revenue and expenditures for such functions are accounted for in internal service funds.

## Fiduciary Funds

Fiduciary fund revenues and expenditures are recognized on the basis consistent with the fund's accounting measurement objective as explained in the examples of fiduciary funds below.

## *Trust and Agency Funds*

Trust and agency funds account for assets held by the county in a trustee capacity or as an agent for individuals, private organizations, other governmental units, or other funds. Such funds include expendable trust, nonexpendable trust, pension trust, and agency funds. For example, a self-administered retirement fund for employees would be a trust and agency fund.

60 O.S. § 176

- Expendable trust funds are handled in the same way as governmental funds.
- Nonexpendable trust funds and pension trust funds are handled in essentially the same way as proprietary funds. They are accounted for on the modified accrual basis.
- Agency funds are purely custodial and do not involve measuring changes in financial position. These funds assets and liabilities are accounted for on the accrual basis.

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## Other Sources of County Revenue

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### *Funds for County Road and Bridge Construction and Maintenance*

Both the federal government and the state provide funds to counties to assist in county road and bridge construction and maintenance.

#### **County Bridge and Road Improvement Fund**

The County Bridge and Road Improvement Fund receives a portion of the motor fuel excise tax. The Oklahoma Department of Transportation (ODOT) divides the monies among all of the counties based on various formulas. These formulas take into account county population, miles of county roads, and county land area.

69 O.S. § 657

ODOT apportions monthly each county's share to each county, and that money can only be used by that county. Any cash balances in the account at the end of the year are carried over to the next year. Seven possible uses are defined in the statutes.

69 O.S. § 665

#### **Other Funds**

Other funds for road and bridge construction and maintenance include Force Account Projects, federal Surface Transportation Program funds, and Extraordinary Bridge Program funds. For more information, refer to "[Financing for Bridge and Road Construction and Maintenance](#)" in Chapter Fourteen, *Duties of the County Commissioner: Roads and Bridges*.

## Chapter Three

# The County Budget process

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### Budget Preparation

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County officers, the County Excise Board, and sometimes County Budget Boards are required by law to perform several very important functions in the process of budget preparation and review.

This chapter discusses the purpose of budgets in general, the elected officials' roles in the annual budget process, and the County Excise Board's and County Budget Board's responsibilities and authorities in budget review and approval. It also addresses, in particular, the County General Fund. Other funds, such as the Highway Fund, are budgeted and appropriated monthly, rather than annually.

To ensure fiscal responsibility and accountability of public officials to the law and the people that they serve; Oklahoma State law requires all units of local government to prepare an annual financial statement and estimate of needs for certain funds, especially the General Fund. These documents must be available for inspection by state and county review boards and the general public. The county fiscal year in Oklahoma is July 1 through June 30.

The governing board is responsible for ensuring that each county officer files with them a financial statement (county officers annual report form, SA&I Form No. 1161 and SA&I Form No. 1162) that shows revenues and expenses for the past year and an estimate of expenditures for the next fiscal year. This information must be entered on the Office of the State Auditor and Inspector (SA&I) Form No. 2631R97, *Estimate of Needs and Financial Statement*. The Board then uses that information to report an itemized statement of estimated need to the County Excise Board. In

68 O.S. §§ 3002, 3004

counties with a Budget Board, the key difference is that the Budget Board submits the proposed budget to the County Excise Board.

[OSU Extension Facts F-886, County Budget Process](#), contains information on the budget process in counties in Oklahoma.

### ***The Purpose of a Budget***

Preparing a well-researched and carefully planned budget should help the money manager perform two important tasks:

1. Reviewing the source and expenditure of funds during the past fiscal year  
This step reveals how effectively money has been spent and how efficiently programs and projects have been administered.
2. Proposing expenditures on the basis of revenues anticipated during the coming year  
This step shows how to efficiently continue or increase past expenditures, and how to prioritize spending for the next fiscal year.

### ***Forms Related to the Budget Process***

The County Clerk purchases all forms related to the county budget process. The County Clerk distributes these forms to county offices upon request.

68 O.S. §§ 3002, 3004

The following forms are the primary forms used in the county budget process:

- County officers annual report form, [SA&I Form No. 1161](#) and [SA&I Form No. 1162](#)
- Cash Fund Estimate of Needs and Request for Appropriation, [SA&I Form No. 308](#)
- Certificate of Levy
- Estimate of Needs and Financial Statement, SA&I Form No. 2631R97
- Officer's Request for Supplemental Appropriation, [SA&I Form No. 388](#)

- Supplemental Appropriation, [SA&I Form No. 150](#)
- Transfer of Appropriations, [SA&I Form No. 237](#)

### ***Budget Submissions***

In most counties the County Excise Board is responsible for approving the budget and appropriations. In most counties, the County Excise Board revises the budget if needed. Some counties, however, have elected to have a County Budget Board, which is largely responsible for budget revisions. [Table 3-1](#) summarizes the differences between the two county budget systems.

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## **County Budgets in Counties Where County Excise Boards are Responsible for the Budget**

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Most counties use the Commissioner/Excise Board Budget Method. The Board of County Commissioners prepares and submits Estimates of Needs for the county to the County Excise Board. The County Assessor must also submit an Estimate of Needs for [ the visual inspection program ] to the County Excise Board. [Table 3-2](#) shows the fiscal timetable for counties that use the Commissioner/Excise Board Budget Method.

### ***The County Excise Board***

Each county has one County Excise Board, which is an agency of the state, created by law, as part of a system of checks and balances required by the Oklahoma Constitution. This board is composed of members of the County Board of Equalization. These members are appointed in the following manner:

- One member by the Oklahoma Tax Commission

As a matter of practice, the Oklahoma Tax Commission typically seeks the advice of the county's state senator.

68 O.S. § 2861  
68 O.S. § 3005.1

**Table 3-1. Differences Between the Two County Budget Systems:  
Commissioner/Excise Board System and Budget Board System**

| Activity                                                    | Commissioner/Excise Board                                                                 | Budget Board                                                                              |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Estimates available funds and needs for county              | County Excise Board by July 1                                                             | County Excise Board by a date set by the Budget Board                                     |
| Holds Budget Conference                                     | County Excise Board                                                                       | Budget Board                                                                              |
| Submits budget                                              | Board of County Commissioners to County Excise Board by August 17                         | Budget Board to County Excise board by July 1                                             |
| Makes temporary appropriations                              | County Excise Board                                                                       | Not necessary                                                                             |
| Handles inadequate provision for mandatory functions        | County Excise Board provides an estimate of needs unless the officer in charge submits it | County Excise Board returns the budget to the Budget Board, which must respond in 15 days |
| Trims requests:<br>Amounts that exceed lawful amount        | County Excise Board                                                                       | County Excise Board                                                                       |
| Ad valorem budget revenues that exceed appropriation amount | County Excise Board/Board of County Commissioners                                         | County Excise Board returns budget to the Budget Board, which must respond within 15 days |
| Approves balanced, lawful budget                            | County Excise Board                                                                       | County Excise Board                                                                       |
| Amends budget and supplements                               | Authorized by the County Excise Board                                                     | Authorized by the Budget Board                                                            |
| Approves budget transfers                                   | Board of County Commissioners, which also notifies the County Excise Board                | Budget Board                                                                              |



**Table 3-2. Fiscal Timetable for Counties Using the Commissioner/Excise Board Budget Method**

| Date                                              | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Statute Reference                                   |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| January 1                                         | The County Assessor lists, appraises, and assesses all property for ad valorem taxation, based on the estimated fair cash value on January 1.                                                                                                                                                                                                                                                                                                                                                                          | 68 O.S. § 2831                                      |
| January 1 to March 15                             | The County Assessor accepts personal property renditions from individuals and businesses, homestead exemption applications, and manufacturer's exemption applications.                                                                                                                                                                                                                                                                                                                                                 | 68 O.S. §§ 2832<br>68 O.S. §§ 2892, 2902            |
| January 1 to the 4th Monday in April              | The County Assessor sends notices to those whose exemptions are denied and to anyone whose property value is being increased from the previous year.                                                                                                                                                                                                                                                                                                                                                                   | 68 O.S. §§ 2832<br>68 O.S. § 2892<br>68 O.S. § 2902 |
| While the Board of equalization is in session     | The County Assessor begins preparing the assessment role: the taxable value of property is recorded, the assessment ratio is applied to derive the assessed value, and exemptions are deducted from the assessed value to compute the net taxable value.                                                                                                                                                                                                                                                               | 68 O.S. § 2842                                      |
| Before April 30                                   | The County Assessor prepares an exemption reimbursement form to be signed by the Board of County Commissioners and sent to the Oklahoma Tax Commission. The exemption reimbursement form shows the amounts of additional homestead and manufacturer's exemptions that were granted during the previous assessment year. If the OTC approves these exemptions, the State reimburses all or a portion of the taxes lost due to these exemptions.<br><br>The claims must be approved or disapproved by June 15 each year. | 62 O.S. § 193                                       |
| Within 20 days of notice of increase of valuation | Taxpayers must file any complaints regarding assessed value or denial of exemption. The County Assessor holds an informal hearing with the taxpayer and makes a decision within five days. If the taxpayer is still dissatisfied, the taxpayer must file an appeal with the County Board of Equalization within ten days of the date the notice is mailed or delivered.                                                                                                                                                | 68 O.S. §§ 2876, 2877                               |
| April 1 to May 31                                 | The County Board of Equalization in counties with total assessed valuation of less than one billion dollars hears taxpayers' protests and makes their decisions.                                                                                                                                                                                                                                                                                                                                                       | 68 O.S. § 2863, 2864                                |

**Table 3-2. Fiscal Timetable for Counties Using  
the Commissioner/Excise Board Budget Method (Continued)**

| Date                                                              | Activity                                                                                                                                                                                                                                                                                                                                              | Statute Reference                    |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Within 10 days of adjournment of the County Board of Equalization | If desired, the County Assessor or the taxpayer appeal any decision of the County Board of Equalization in district court.                                                                                                                                                                                                                            | 68 O.S. § 2880.1<br>68 O.S. § 2902   |
| June 15                                                           | The County Assessor must file the annual abstract of assessment with the OTC.                                                                                                                                                                                                                                                                         | 68 O.S. § 2867                       |
| Within 10 days of receiving certification                         | The County Assessor files an abstract of assessment with the County Excise Board.                                                                                                                                                                                                                                                                     | 68 O.S. § 2867<br>A.G. Opinion 05-17 |
| On or before the first Monday in July                             | Each county and local governmental entity files a record of earnings and costs for the past year and an estimate of needs for the new fiscal year with the Board of County Commissioners or their governing board. The report shows amounts for personnel (including travel), maintenance and operation, capital outlay, and other appropriate items. | 68 O.S. § 3004                       |
| First Monday in July or earlier (up to 10 days of hearings)       | The County Excise Board meets to organize, elect officers, set dates for the budget hearings and other public meetings.                                                                                                                                                                                                                               | 68 O.S.<br>§§ 3006, 3012, 3013, 3014 |
| After beginning of fiscal year                                    | The County Excise Board approves temporary appropriations for the new fiscal year.                                                                                                                                                                                                                                                                    |                                      |
| By July 1                                                         | The County Excise Board holds a budget planning conference with each county officer to discuss personnel needs and to provide the officer with a tentative estimate of available revenues for the new fiscal year.                                                                                                                                    | 19 O.S. § 180.65                     |

**Table 3-2. Fiscal Timetable for Counties Using  
the Commissioner/Excise Board Budget Method (Continued)**

| Date                                         | Activity                                                                                                                                                                                                                                                                                                                                      | Statute Reference                                     |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| On or prior to July 25                       | The County Excise Board apportions the millage as authorized by the Oklahoma Constitution.                                                                                                                                                                                                                                                    | Oklahoma Constitution Article 10 § 9<br>68 O.S. § 315 |
| On or prior to July 31                       | The State Board of Equalization shall cause the assessed valuations of any railroad, air carrier, or public service corporation to be certified by the State Auditor and inspector to the County Assessors of each county in which any portion of the property may be located.                                                                | 68 O.S. § 2860                                        |
| By July 1                                    | The County Excise Board holds a budget planning conference with each county officer to discuss personnel needs and shall provide, prior to the meeting, a tentative estimate of available revenues for the new fiscal year.                                                                                                                   | 19 O.S. § 180.65(E)                                   |
| By August 17                                 | The Board of County Commissioners files the budget document with the County Excise Board.                                                                                                                                                                                                                                                     | 68 O.S. § 3002<br>74 O.S. § 214                       |
| Within 15 days of filing the budget document | The County Excise Board fixes levies and makes budget appropriations. If property valuations have not been certified, the County Excise Board has 30 days from the time the values are certified to fix levies and make budget appropriations.<br><br>The County Clerk publishes a notice that budgets and levies are on file for inspection. | 68 O.S. § 3014<br><br>68 O.S. § 3022                  |
| On or before October 1                       | The County Assessor delivers the tax roll to the County Treasurer and delivers the tax roll abstract to the County Clerk.                                                                                                                                                                                                                     | 68 O.S. §§ 2869, 3014                                 |
| November 1                                   | The County Treasurer mails tax statements (30 days after receiving the tax roll) to property owners.                                                                                                                                                                                                                                          | 68 O.S. §§ 2869, 3014<br>68 O.S. § 2915               |
| Before January 1                             | Taxpayers must pay at least one-half of each property's ad valorem tax levy                                                                                                                                                                                                                                                                   | 68 O.S. § 2913                                        |
| Before April 1                               | Taxpayers must pay the second half of each property's ad valorem tax levy.                                                                                                                                                                                                                                                                    | 68 O.S. § 2913                                        |

- One member by the Oklahoma Tax Commission

As a matter of practice, the Oklahoma Tax Commission typically seeks the advice of the county's state senator.

- One member by the Board of County Commissioners
- One member by the District Judge or a majority of the District Judges in all judicial districts with more than one District Judge

The County Clerk serves as secretary to the County Excise Board.

The tenure of the County Excise Board must be coterminous with that of the County Commissioners in Districts 1 and 3, and must follow other requirements set forth in the statutes. The County Excise Board must perform the following functions:

68 O.S. § 2861  
68 O.S. § 3005.1(A)

- Require adequate and accurate reporting of finances and expenditures for all budget and supplemental purposes from all county entities
- Provide each county officer with adequate funds for the performance of mandatory constitutional and statutory governmental functions within the financial means available
- Other duties as defined in the statutes

68 O.S. § 3007  
68 O.S. § 3014  
68 O.S. §§ 3006, 3007

The County Excise Board meets at the county seat on the first Monday in July each year, or on a date determined by County Excise Board members. The board organizes and elects, for the upcoming fiscal year, one of its members as chairman and another member as vice-chairman to perform certain duties as required by law.

### ***Abstract of Assessed Valuations***

Within ten days after receiving the certificates of assessment of centrally assessed properties (all the railroads, air carriers, and public service corporations), and the equalized value of real and personal property of the county, the County Assessor prepares and files an Abstract of Assessed Valuations for the county and each municipal subdivision within the county with the County Excise Board. These values are used in preparing the county budgets.

## ***Who Submits Budgets***

The following entities should prepare and submit budget estimates to the County Excise Board on SA&I-prescribed forms:

- The Board of County Commissioners (except in counties with budget boards)
- The governing body of each city and town (except Municipal Budget Act cities)
- The board of education of each school district

68 O.S. § 2867  
68 O.S. § 3002  
11 O.S. §§ 17-201 et seq ~ 17-216  
68 O.S. § 3002

## ***Budget Planning Conference***

The County Excise Board holds a budget planning conference with each principal officer and department head before July 1 to discuss personnel needs for the next fiscal year. Prior to this meeting, the board provides the principal officers with an estimate of probable revenues for the next fiscal year.

19 O.S. § 180.65(E)

## ***County Officers Annual Report***

Following the budget planning conference, each county officer prepares the county officer's annual report on [SA&I Form No. 1161](#) and [SA&I Form No. 1162](#), the county officers' annual report forms, which are provided by the County Clerk. This report is actually two reports: a financial report of earnings and expenditures and an estimate of needs. This report must be submitted to the Board of County Commissioners (through the County Clerk acting as the secretary to the Board) by the first Monday in July and consists of the following information:

19 O.S. § 345

- An estimate of earnings
- A report of prior expenditures
- An estimate of needs

68 O.S. § 3004

The estimate of earnings and the report of prior expenditures show the income received along with the costs of operating the office in the outgoing fiscal year. The estimate of needs is an itemized statement of the revenue needed to operate the office during the upcoming fiscal year.

## ***Role of Board of County Commissioners***

On the first Monday in July, the Board of County Commissioners is required by law to meet to begin the following processes:

19 O.S. § 345  
68 O.S. §§ 3002, 3003, 3004

- Review the county officers' annual reports
- Prepare the county's financial statement for the fiscal year ended June 30
- Prepare the county's annual estimate of needs for the next fiscal year ending June 30

## **County's Annual Budget Report**

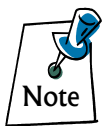
The county's annual financial statement and annual estimate of needs prepared on SA&I Form No. 2631R97 by the Board of County Commissioners constitute the county's annual budget report (except in counties with budget boards.)

68 O.S. §§ 3002, 3004

The financial statement should show a list of county monies received and disbursed during the previous fiscal year.

The itemized estimated budget for the next fiscal year should include the following information:

- The probable expenses of all elected officers and their departments for the coming year
- The amount required by law for any sinking fund
- Probable income from sources other than ad valorem taxes



**The statutes do specifically prohibit the Board of County Commissioners from including any revenue from nonrecurring sources in this income estimate.**

68 O.S. § 3003

## **Publication of Financial Statement and Budget**

When it is completed, the Board of County Commissioners must have printed a full and accurate statement of the assessments, receipts, and expenditures of the preceding year. The notice must be published in at least one newspaper in the county, or posted at the courthouse and at a public place in each precinct in the county.

68 O.S. § 3002  
19 O.S. § 345

Each financial statement and estimate of needs must be published in one issue in some legally qualified newspaper. An affidavit showing the publication must be attached when the financial statements and estimates are filed with the County Excise Board.

68 O.S. § 3002

### **Presentation of Financial Statement and Budget to the County Excise Board**

Before August 17, the Board of County Commissioners must submit the completed financial statement and estimated budget to the County Excise Board and sign the statement of certification, which certifies that the documents are filed in the County Clerk's office. Usually the County Clerk, serving as secretary to the County Excise Board, files the documents in the County Clerk's office and signs the certificate.

68 O.S. §§ 3002, 3008



**Municipalities that have opted to prepare a budget pursuant to the Municipal Budget Act do not file their budgets with the county, but file them with the Office of the SA&I.**

### **Review and Approval of the County Budget**

In approving the county budget, the County Excise Board should follow certain procedures:

68 O.S. § 3007

- Examine the financial statements of the county officers to determine the true fiscal condition of each fund and the accounts within each fund as of June 30 and request additional information when necessary
- Examine the estimates of need for the following criteria:
  1. Determine if a request is lawful and adequate
  2. Provide for mandatory items that are not included
- Compute the total revenues available to each fund
- Revise the budget in whole or part through the following steps when the total estimate of needs exceeds the total revenues available:
  1. Reduce items for functions authorized but not required by constitutional law or statutory law

2. If necessary, then reduce items for functions required by statutory law
3. If necessary, then reduce items for functions required by constitutional law

The County Excise Board does not have the authority to deny an appropriation for a lawful purpose if the revenue and income are available.



**The County Clerk files all budgets with the Office of the SA&I.**

Neel v Board of County  
Com'rs of Cherokee County,  
Okla., 617-P2d 201 (1980)

### **Publication of Approved Budget**

The County Clerk must publish a notice one time in a newspaper of general circulation in the county that the approved budget is completed and is on file, for inspection by any citizen, at the County Clerk's office.

68 O.S. §§ 3006, 3022

### ***Transfer of Appropriations***

The County Clerk receives requests for transfers of appropriations as secretary to the Board of County Commissioners. If the Board of County Commissioners makes any transfers of appropriations, the County Clerk makes the proper entries in the appropriation ledger and then notifies the County Excise Board in writing.

A transfer of appropriations occurs when monies are transferred within a fund from an account with a surplus to another account that needs additional revenues. Monies can be transferred within a fund but cannot be transferred from one fund to another fund. Thus, a transfer of appropriations neither increases nor decreases the fund's balance.

62 O.S. §§ 461

A transfer of appropriations may occur between budget accounts in the County General Fund. For example, a transfer of appropriations within the County General Fund may be made from the nonexpended and nonencumbered balance of the appropriation of a county office with less urgent needs to the account of a county office with immediate urgent needs.

AG Opinion No. 85-20



**Because of legislative action in 2006, money can be transferred between funds, for example, between the County General Fund and the county highway funds.**



County officers make requests to the Board of County Commissioners for a transfer of appropriation on SA&I Form No. 237 entitled *Transfer of Appropriations*. The following information must be provided when requesting a transfer of appropriation:

- The additional needs that require a transfer of appropriation
- Reason for the additional needs
- Detailed list of items
- Detailed list of items proposed to be canceled in the account from which the transfer is made
- Written consent of the county officer in charge of the account from which the transfer is made

A transfer of appropriations requires the approval of the Board of County Commissioners, which permits both the transfer and the cancellation or reduction of the appropriation in the original account.



**An appropriations account must have at least \$1.00 in it before any monies can be transferred into it. Monies cannot be transferred into a zero-balance account.**

### ***Supplemental and Additional Appropriations***

All requests for supplemental or additional appropriations are filed with the County Clerk as secretary to the County Excise Board. Requests are made on SA&I Form No. 388, Officer's Request for Supplemental Appropriations. These requests must include specific information:

68 O.S. §§ 3007, 3021

- Date of request
- Statement of amount and purpose
- A financial statement, as of the close of the preceding month, which indicates the following items:

- \* Current expense
- \* Amount of cash unexpended
- \* Amount of taxes in process of collection
- \* Amount of uncollected portion of estimated income other than ad valorem tax for current fiscal year
- \* Amount of warrants outstanding and interest earned and accruing
- \* Amount of expended balance of fund
- \* Surplus or deficit in revenue, if any

If sufficient “surplus” revenue is shown, the County Excise Board may approve the supplemental and additional appropriation. If the revenue is insufficient, the County Excise Board may revoke or cancel any previous appropriation and replace it with a supplemental and additional appropriation required for the good of the public.

### ***Temporary Appropriations***

From July 1 each year until the time the various county budgets are approved, County Excise Boards can appropriate the amount of available funds estimated for the fiscal year for temporary appropriations.

68 O.S. § 3020

If the County Excise Board approves a temporary appropriation, that appropriation must be merged into the annual appropriation and any warrants drawn against the temporary appropriation must be charged against the final approved annual appropriation for the current fiscal year, including capital outlay items.

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## **City or Town Budgets in Counties Where County Excise Boards are Responsible for the Budget**

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The governing body of each city and town must prepare a financial statement that shows the true fiscal condition of all its accounts and funds as of June 30. This body should also prepare an itemized statement of estimated needs and probable income from sources other than ad valorem

68 O.S. § 3002

taxes for the new fiscal year. The financial statement and estimate of needs must be supported by schedules or exhibits that show, by categories, the amount of all receipts and disbursements.

### ***Statement of Estimate of Needs***

The statement of estimate of needs must be itemized to show, by classes, the following information:

- The amounts necessary for the current expenses of the city or town for each officer and department
- The amount required by law to be provided for any sinking funds (debt purposes)
- The probable income that will be received from all sources other than ad valorem taxes

The financial statement and estimate of needs must be published in a legally qualified newspaper within the county. Financial statements and estimates of need for towns must be filed with the County Excise Board on or before August 22. Statements and estimates for cities must be filed with the board on or before August 27.

Revenue received during the past fiscal year from any nonrecurring source, such as the sale of land, gifts, windfalls, forfeitures, and federal aid allotments are not to be included in the estimate of probable income.

68 O.S. § 3003

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## **School District Budgets in Counties Where County Excise Boards are Responsible for the Budget**

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The Board of Education of each independent school district must meet on the first Monday in July of each year, and the Board of Education of each dependent school district must meet on the second Tuesday in July of each year to prepare a financial statement for the previous year ending June 30.

The financial statement shows a list of monies received and disbursed during the previous fiscal year. In addition to the financial statement, an estimate of needs should be prepared that includes the following information:

- The current expenses of the school system

- The amount required by law for any sinking fund
- Probable income from sources other than ad valorem taxes (Revenue from non-recurrent sources are not included.)

The financial statement and estimates of all school boards must be filed with the County Excise Board (or the County Clerk) on or before September 1 of each year.

68 O.S. § 3002

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## County Budgets in Counties With County Budget Boards

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Table 3-3 shows the fiscal timetable for counties with Budget Boards. The initial activities by the County Assessor in preparing the abstract of valuations are the same as in counties that use the Commissioner/Excise Board budget method. The primary difference between the two methods is that the Budget Board, not the Board of County Commissioners, considers the estimates of needs and prepares the proposed budget to present to the County Excise Board. The budget is also completed and approved much earlier in a Budget Board county.

### *The County Budget Board*

A County Budget Board is established once the Board of County Commissioners votes to have the budget procedures come under the County Budget Act. The Budget Board consists of each elected county officer and should be structured in the following manner:

19 O.S. §§ 1401, et. seq. ~ 1421

- The chairman is the chairman of the Board of County Commissioners.
- The vice-chairman is elected by the County Budget Board members and serves in the chairman's absence.
- The secretary is the County Clerk.

If a vacancy occurs in a county office, then the position on the County Budget Board remains vacant until the office is filled in the manner prescribed by law.

**Table 3-3. Fiscal Timetable for Counties Using  
the Budget Board Budget Method**

| Date                                                | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute Reference                               |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| January 1                                           | The County Assessor lists, appraises, and assesses all property for ad valorem taxation, based on the estimated fair cash value on January 1.                                                                                                                                                                                                                                                                                                                                                                               | 68 O.S. § 2831                                  |
| January 1 to<br>March 15                            | <p>The County Assessor accepts personal property renditions from individuals and businesses, homestead exemption applications, and manufacturer's exemption applications.</p> <div>  <p><b>Homestead exemption applications are accepted all year. They must be filed by March 15 to apply to the current year.</b></p> </div>                                                                                                             | <p>68 O.S. § 2832<br/>68 O.S. §§ 2892, 2902</p> |
| January 1 to the<br>4th Monday in<br>April          | The County Assessor sends notices to those whose exemptions are denied and to anyone whose property value is being increased from the previous year.                                                                                                                                                                                                                                                                                                                                                                        | <p>68 O.S. § 2832<br/>68 O.S. §§ 2892, 2902</p> |
| While the Board<br>of Equalization<br>is in session | <p>The County Assessor begins preparing the assessment role: the taxable value of property is recorded, the assessment ratio is applied to derive the assessed value, and exemptions are deducted from the assessed value to compute the net taxable value.</p> <p>The County Assessor delivers the assessment role to the County Board of Equalization.</p>                                                                                                                                                                | 68 O.S. § 2842                                  |
| Before April 30                                     | <p>The County Assessor prepares exemption reimbursement forms to be signed by the Board of County Commissioners and sent to the Oklahoma Tax Commission. The exemption reimbursement forms show the amounts of additional homestead and manufacturer's exemptions that were granted during the previous assessment year. If the OTC approves these exemptions, the State reimburses all or a portion of the taxes lost due to these exemptions.</p> <p>The claims must be approved or disapproved by June 15 each year.</p> | 62 O.S. § 193                                   |

**Table 3-3. Fiscal Timetable for Counties Using the Budget Board Budget Method (Continued)**

| Date                                                              | Activity                                                                                                                                                                                                                                                                                                                  | Statute Reference                |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Within 20 days of notice of increase in valuation                 | Taxpayers must file any complaints regarding assessed value or denial of exemption. The County Assessor holds an informal hearing with the taxpayer and makes a decision within five days. If the taxpayer is still dissatisfied, the taxpayer must file an appeal with the County Board of Equalization within ten days. | 68 O. 2876, 2877                 |
| April 1 to May 31                                                 | The County Board of Equalization in counties with total assessed valuation less than one billion dollars hears taxpayers' protests and makes its decisions. In counties greater than \$1 billion valuation, sessions begin the 4th Monday in January and, if necessary, may extend beyond May 31.                         | 68 O.S. 2863                     |
| Within 10 days of adjournment of the County Board of Equalization | If desired, the County Assessor or the taxpayer may appeal any decision of the County Board of Equalization in district court.                                                                                                                                                                                            | 68 O.S. § 2880.1                 |
| On or before a date set by the Budget Board                       | The County Excise Board provides a tentative estimate of anticipated revenues, from all sources, classified by funds.                                                                                                                                                                                                     | 19 O.S. § 1411                   |
| On or before a date set by the Budget Board                       | Each county and local governmental entity prepares a record of earnings and costs for the past year and an estimate of needs for the new fiscal year and meets with the Budget Board. The report shows amounts for personnel, maintenance and operation, capital outlay, and other appropriate items.                     | 68 O.S. § 3004<br>19 O.S. § 1411 |
| By June 1                                                         | The Budget Board completes a budget for each fund.                                                                                                                                                                                                                                                                        | 19 O.S. § 1410, 1417             |
| By June 10                                                        | The Budget Board must give public notice of a budget hearing.                                                                                                                                                                                                                                                             | 19 O.S. § 1412                   |
| By June 15                                                        | The Budget Board must hold a public hearing on the proposed budget.                                                                                                                                                                                                                                                       | 19 O.S. § 1412                   |

**Table 3-3. Fiscal Timetable for Counties Using the Budget Board Budget Method (Continued)**

| Date                   | Activity                                                                                                                                                                                                                                                                                                                                                                        | Statute Reference                    |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| June 15                | The County Assessor must file the annual abstract of assessment with the OTC.                                                                                                                                                                                                                                                                                                   | 68 O.S. § 2867                       |
| By June 23             | The Budget Board adopts the budget.                                                                                                                                                                                                                                                                                                                                             | 19 O.S. § 1413                       |
| On or before July 31   | The State Board of Equalization certifies the valuation of locally assessed property and the valuation of centrally assessed property to the County Assessor.                                                                                                                                                                                                                   | 68 O.S. § 2860                       |
| By July 1              | The Budget Board files the approved budget with the County Excise Board, the County Clerk, and the Office of the SA&I.                                                                                                                                                                                                                                                          | 19 O.S. §§ 1413, 1414                |
| Varies                 | If the County Excise Board finds that revisions are needed to the budget, the Budget Board must submit a corrected budget within 15 days.                                                                                                                                                                                                                                       | 19 O.S. § 1414(A.2,3,4)              |
| Within 15 days         | The County Excise Board computes appropriations and levies taxes<br><br>The County Clerk, as secretary to the County Excise Board, certifies the approved budget to the Budget Board, the County Treasurer and the Office of the SA&I.<br><br>After filing the budget with the Office of the SA&I, any taxpayer may file protests against any alleged illegality of the budget. | 19 O.S. § 1414<br><br>19 O.S. § 1415 |
| On or before October 1 | The County Assessor delivers the tax roll to the County Treasurer and delivers the tax roll abstract to the County Clerk.                                                                                                                                                                                                                                                       | 68 O.S §§ 2869, 3014                 |
| November 1             | The County Treasurer mails tax statements 30 days after receiving the tax roll) to property owners.                                                                                                                                                                                                                                                                             | 68 O.S. §§ 2869, 2915                |
| Before January 1       | Taxpayers must pay at least one-half of each property's ad valorem tax levy.                                                                                                                                                                                                                                                                                                    | 68 O.S. § 2913                       |
| Before April 1         | Taxpayers must pay the second half of each property's ad valorem tax levy.                                                                                                                                                                                                                                                                                                      | 68 O.S. § 2913                       |

## ***The County Budget Act***

The County Budget Act allows the elected county officials to work as a unit in preparing the county budget. The County Budget Act is structured to accomplish the following responsibilities:

19 O.S. §§ 1401, et. seq. ~ 1421

- Establish a budget procedure for county governments
- Establish uniform fiscal procedures for the preparation, adoption, execution, and control of budgets
- Enable a county to make financial plans for both current and capital expenditures
- Make the financial condition and needs of the county available to the public and to investors
- Assist a county with governmental accounting, auditing and financial reporting standards

19 O.S. § 1403

Once a county elects to come under the County Budget Act, this act takes precedence over any other state laws applicable to the county budget. Any action of the Board of County Commissioners to implement or repeal the application of this act must be effective at the beginning or the end of a budget year.

## ***Meetings***

The following rules apply to County Budget Board meetings:

19 O.S. § 1407

- The County Budget Board must hold regular meetings on dates set by that board.
- The chairman or any two budget board members can call special meetings.
- A quorum comprises a majority of all members of the County Budget Board in office and is required to transact business.
- Any official action in adopting or revising the county budget requires a majority vote of all members of the County Budget Board.



## ***Report of Estimated Revenues and Expenses***

Each county officer, department head and commission must submit a report of estimated revenues and expenditures on a form provided by the County Budget Board. The information must be reported in the following manner:

19 O.S. § 1411(B)

1. Actual revenues and expenditures during the preceding fiscal year
2. Budget estimates for the current fiscal year
3. Actual revenues and expenditures for a period of six to nine months for the current fiscal year
4. Estimated actual revenues and expenditures for the current fiscal year

Estimated revenues and proposed expenditures for the new budget year

Prior to submitting this report, each county officer and department head must meet with the County Budget Board to discuss their needs.

19 O.S. § 1410

## ***Budget Preparation***

The County Budget Board must prepare a budget for budgeted county funds 30 days prior to the beginning of the fiscal year. These budgets provide a complete financial plan for the upcoming budget year.

19 O.S. § 1408

The Office of the SA&I prescribes the budget format, and it must include the following information:

19 O.S. § 1408

- Revenues and expenditures for the preceding fiscal year
- Estimated revenues and expenditures for the current fiscal year
- Estimated revenues and expenditures for the new budget year

19 O.S. § 1410

The following procedures must be followed when reporting the estimates of revenues and expenditures:

The estimate of revenues must include the probable income by source that the county is empowered to collect or receive at the time the budget is adopted.

- The estimate of revenues must be based on past and anticipated receipts.
- Revenues from the ad valorem tax must be budgeted within the amount estimated by the County Excise Board as being available for appropriation.
- Expenditures must be budgeted within the estimated revenues for each fund.
- Miscellaneous expenditures cannot exceed 10 percent of the estimated revenues for a fund.
- Interfund transfers must show the funds to which and from which the transfers are made.

Three basic events occur before and during the budget preparation process:

1. Anticipated revenues by source and fund are provided by the County Excise Board.
2. The County Budget Board reviews budget requests of each county officer and department head.
3. The County Budget Board revises budget requests when justifiable and then finalizes the proposed budget.

19 O.S. § 1411(A)

19 O.S. § 1411(C)

The County Budget Board sets the date for receiving the County Excise Board's report of anticipated revenues.

### ***Classifying Revenues and Expenditures***

Revenues must be classified by sources. Expenditures are reported by functions within each fund. The Office of the SA&I prescribes the accounting system used to classify revenues and expenditures. Functions for reporting expenditures are classified according to the following categories:

19 O.S. § 1417

- Salaries and wages (Personnel Services)

- Employee benefits
- Operating expenses (M & O)
- Other charges from money channeled through the county (such as flood relief payments)
- Capital outlays
- Debt service

### ***Public Hearings and Protests***

The County Budget Board must hold a public hearing on the proposed budget no later than fifteen days before the new fiscal year. The date, time, and location of the hearing plus the proposed budget summaries must be published in a newspaper with a general circulation within the county at least five days before the hearing. Any person can present comments, questions, or criticisms at the public hearing.

19 O.S. § 1412

Once a budget is adopted, it is filed with the County Excise Board and the Office of the SA&I. An affidavit that shows proof of publication must be affixed to the budget when it is filed. From the day the adopted budget is filed with the Office of the SA&I, a taxpayer has fifteen days to file a protest.

19 O.S. § 1415

### ***Budget Adoption***

After the public hearings and at least seven days before the new fiscal year, the County Budget Board must adopt a budget for each fund. When adopting a budget, the County Budget Board has the following responsibilities:

19 O.S. § 1413

- To add or delete items in each budget if necessary
- To ensure that expenditures do not exceed the estimated revenues in any fund

19 O.S. § 1413(A)

19 O.S. § 1416

The adopted budget must be filed, along with the affidavit and proof of publication, with the County Excise Board, the County Clerk, and the Office of the SA&I on or before the first day of the budget year. When the adopted budget is filed, the following criteria take effect:

19 O.S. § 1413(B)

- The budget is in effect the first day of the new fiscal year.

19 O.S. § 1413(C)

- The budget constitutes an appropriation for each fund subject to the final approval of the County Excise Board.

### ***County Excise Board's Role***

19 O.S. § 1411

In counties under the County Budget Act, the County Excise Board has the following duties and powers:

- To provide estimates of anticipated revenues on or before the date set by the County Budget Board
- To examine the adopted budget
- To strike unlawful items from the adopted budget and reduce unlawful amounts to authorized levels
- To return the adopted budget to the County Budget Board if mandatory items or amounts are not provided, or if appropriations from ad valorem tax revenues exceed the revenues available.
- To approve the adopted budget if it is within the income and revenues available
- To compute levies
- To certify the approved budget to the County Budget Board, the County Treasurer, and the State Auditor and Inspector

19 O.S. § 1415

19 O.S. § 1414(A)

19 O.S. § 1414(A, B)

19 O.S. § 1414(C)

19 O.S. § 1414(A)

The County Budget Board has fifteen days from the return of a budget to revise and resubmit it to the County Excise Board. Copies of the certified budget are filed with the County Clerk and the Office of the SA&I.

### ***Amended Budget***

The County Budget Board can amend budgets to allow for the following items:

19 O.S. § 1420  
19 O.S. §§ 1418

- Supplemental appropriations

- Transfer of appropriations

19 O.S. § 1419

- Transfer of special fund balance

Amendments for supplemental appropriations must be adopted by an official action of the County Budget Board. Copies of the supplemental appropriation must be filed with the County Clerk, the County Excise Board, and the Office of the SA&I.

19 O.S. § 1420(C)

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## Receiving Assistance and Audits

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### *Office of the State Auditor and Inspector*

Personnel at the Office of the State Auditor and Inspector can advise county officers on procedural and technical matters that relate to accounting and budget procedures. County officers may also seek legal and technical assistance from their district attorney.

74 O.S. § 212.1

The Office of the SA&I must perform an audit every two years of all of the books, records, and accounts of all of the officers of each county. The SA&I must file a copy of all audits with the Governor, the District Attorney, and the County Clerk.

19 O.S. §§ 171, 174

The SA&I must transmit a copy of the letter of transmittal of each audit report to every legal newspaper published in the county where the audit report is filed with the County Clerk.

19 O.S. § 174.1

The Office of the SA&I may also require an audit of the books and records or any county official or custodian of any of the funds of the county after the death, resignation, or removal of office of any county official.

### *The District Attorney*

The County Excise Board may require the district attorney to attend any of its sessions when passing upon the validity or invalidity of items of appropriation. This board may also request the district attorney's opinion in writing.

68 O.S. § 3008

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## Understanding County Finances

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Two extension fact sheets, which should be of interest to county officers regarding county finances. [OSU Extension Facts F-901](#) discusses *Financial Analysis for County Government*. [OSU Extension Facts F-902](#) is titled *Comparison of County Government Finances* and compares assessed values in counties.

Another publication of interest published by the [Oklahoma Cooperative Extension Service at OSU](#) is the *Abstract of County Government General, Highway, and Special Revenue Funds in Oklahoma*.

## Chapter Four

# The County Accounting System

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### Generally Accepted Accounting Principles

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Oklahoma follows the generally accepted accounting principles recommended by the National Council on Governmental Accounting (NCGA), which has developed a body of concepts and practices for accounting procedures for state and local governments. NCGA comprises governmental accountants and finance officers and is affiliated with the [Governmental Finance Officers Association \(GFOA\)](#).

Statement 1 of *Governmental Accounting, Auditing, and Financial Reporting* outlines these accounting principles and lists the following elements as the basic components of governmental financial reporting:

- Use of fund accounting
- Emphasis on financial flows
- (Incoming revenues and outgoing expenditures with remaining cash balances)
- Demonstration of compliance with legal requirements

This chapter briefly explains the county accounting system for counties in Oklahoma and discusses various funds and accounts that affect county office finances.

### ***Fund Accounting***

The accounting systems in counties in Oklahoma are organized and operated on a fund basis. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts. Each account within a fund records a more narrowly defined activity that fits within the broader goals of the fund.

For example, the County General Fund includes accounts for County Clerk, Court Clerk, County Sheriff, and other county offices expenditures.

For accounting and financial management, each county has a combination of several distinctly different fiscal and accounting entities or funds. Each fund has a separate set of accounts and functions that are independent of other funds and accounts. The accounting process in Oklahoma counties uses three broad categories of funds.

- Governmental Funds

This category is the most frequently used fund category in county government. Governmental funds focus on the revenues, expenditures, and ending balances for most county functions. An example is the [County General Fund](#), which is described in Chapter Two, *Sources of Revenue*, in this handbook.

Governmental fund revenues and expenditures are recognized on the modified accrual basis. Revenues are recognized in the accounting period in which they become available and measurable. Expenditures are recognized in the period in which the money is encumbered (obligated). However, in the case of unmatured interest on long-term debt, such expenses should be recognized when they are due.

- Proprietary Funds

Any activity that is operated similar to funds in the private sector is accounted for through a proprietary fund. The main purpose of these funds is to determine net income, financial position, and changes in financial position. An example is a county property rental fund in the private sector.

- Fiduciary Funds

Fiduciary funds account for assets held by the county in a trustee capacity for individuals, private organizations, other governmental units, or other funds. Examples of fiduciary funds are county employee pension funds and protest tax trust funds.



## Budget Account

A budget account is a category within the County General Fund and is made up of items of appropriation. A budget account is also called a governmental budget account or an appropriation account. Items of appropriation include salaries, travel, maintenance and operations, computer operations, and capital outlays.

62 O.S. § 331  
68 O.S. §§ 3010, 3011

Each county office has a budget account within the County General Fund, and monies are appropriated into each account for the purpose of carrying out the regular duties of that office.

## Estimate of Probable Income

An estimate of probable income is income for the County General Fund that is expected to be received in the new fiscal year from recurring sources.

The County Excise Board provides the county officers with an estimate of probable income each year [ at, or ] prior to, the budget planning conference. This information helps county officers in preparing the estimate of needs for their respective offices.

19 O.S. § 180.65(E)

## Transfer of Appropriations

A transfer of appropriations typically occurs when monies are transferred within a fund from an account with a surplus to another account that needs additional revenues. Monies can be transferred within a fund and sometimes transferred from one fund to another fund. Thus, a transfer of appropriation within a fund neither increases nor decreases the fund's balance. (Counties with a Budget Board have always had the authority to transfer money from one fund to another to some extent.)

62 O.S. §§ 461  
19 O.S. §§ 1410, 1418

Please refer to [Transfer of Appropriations](#) in Chapter Three, The County Budget Process for a detailed explanation.

## Transfer of Special Fund Balance

A transfer of special fund balance occurs when monies are transferred to the County General Fund from a special fund that is no longer needed. The laws that govern the special fund must be followed before the fund can be discontinued.

19 O.S. § 1419  
62 O.S. §§ 333, 445

## Warrants

A warrant is a claim against an appropriation account for payment of salaries, an item purchased, a service provided, or basically any expense incurred by the county. The County Clerk prepares all warrants, which are then approved by the governing board and signed by the chairman of that board.

19 O.S. § 347  
62 O.S. §§ 471, 475

The County Clerk delivers a signed warrant to the County Treasurer for registration and then sends the warrant to the employee or vendor to whom the payment is due. Each warrant includes the department, fund, and account to be charged for the expenditure.

Banks that handle the county's monies notify the County Treasurer when a vendor has claimed a warrant. When money is available in a specific account, the County Treasurer redeems the warrant by writing a County Treasurer's Check to the bank. All warrants must be redeemed by a check signed by the County Treasurer.

Some counties now use checks. A warrant serves as a check.

62 O.S. § 471(B)

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## County Bank Accounts

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All monies received in the County Treasurer's office must be deposited into accounts in banks designated as county depositories by the Board of County Commissioners. County depositories may include banks, trust companies, credit unions, and savings and loan associations within Oklahoma. The two basic checking accounts are the Official Depository Account and the General Account. Multiple banks are typically used.

19 O.S. § 121

### *Official Depository Account*

The Official Depository Account is a trust or agency account maintained by the County Treasurer. All county officers must deposit with the County Treasurer all monies received by virtue of their offices. The County Treasurer is then responsible for depositing this money into the Official Depository Account and crediting each county officer's depository account for the amount deposited.

19 O.S. § 681  
19 O.S. § 682

All withdrawals from the Official Depository Account must be made on the official voucher of the county officer who made the deposit.

### ***The General Account***

Various monies collected by county officers and placed in the Official Depository Account must be transferred to the appropriate funds at the close of each month (on or before the second Monday following the close of the calendar month). This money is transferred using a county officer's official voucher. Monies accruing to a fund maintained by the county are transferred to the county's General Account.

19 O.S. § 684

The General Account is the county's principal checking account and contains all funds other than those in the Official Depository Account.



**The county General Account is not the same as the [County General Fund](#) described in Chapter Two, *Sources of Revenue*. The County General Fund is one of several funds contained in the General Account.**

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## Chapter Five

# Governmental Tort Claims Act

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### The Tort Claims Act in Oklahoma

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The original tort claim statute was passed in 1978 under the title, Political Subdivision Tort Claims Act, and numerous revisions have been made since then. This discussion covers only the latest form of those statutes and only those portions of the statutes that apply to county government.

The Governmental Tort Claims Act allows Oklahoma citizens to file claims and bring suits against state and county entities. In the Governmental Tort Claims Act, the State of Oklahoma waives its sovereign immunity and the sovereign immunity of political subdivisions of the state, including counties.

51 O.S. §§ 151, et. Seq. ~170,

A tort is defined as a legal wrong, independent of contract that involves the violation of a duty that results in a loss to any person, association, or corporation caused by an act by public officials within the scope of their employment.

Tort claims are claims brought by citizens against the county for damages. For example, if a person breaks a leg because of county roadwork, that individual might bring a claim against the county.

Tort Claims are filed with the County Clerk, who then presents them to the Board of County Commissioners.

A tort claim is not a lawsuit. The Board of County Commissioners must listen to tort claims, and in cooperation with their insurance provider or adjustor, determine whether they are justified. They must then deny the claim or award damages to the claimant. If the claimant's claim is denied, the claimant has the option to file a lawsuit. In some counties, the safety committee considers claims.

Figure 5-1 shows the steps in the tort claims process.

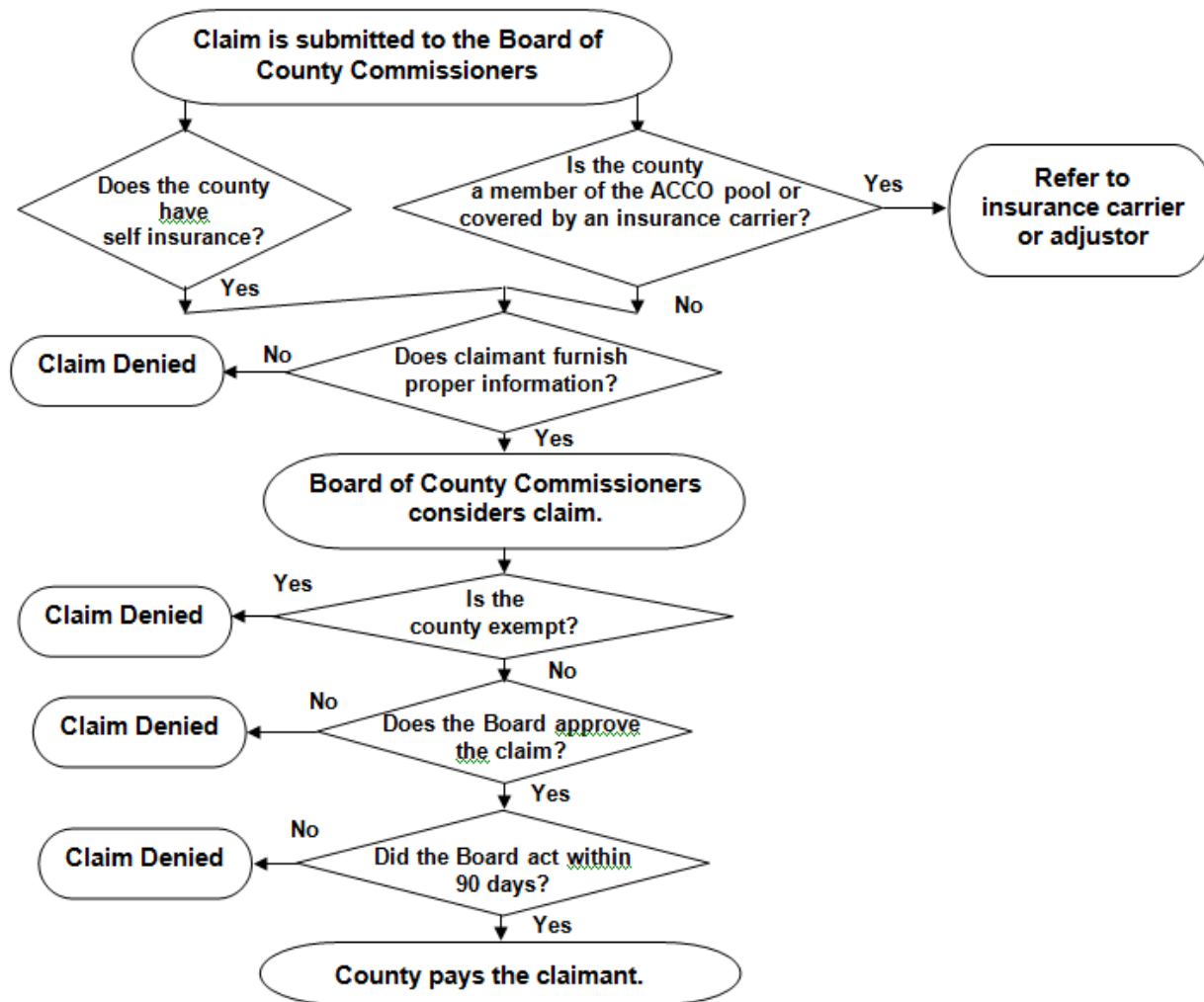


Figure 5-1. The Tort Claim Process

## ***Liability Insurance***

51 O.S. § 169

The county may secure liability insurance in any of the following ways:

- The county may insure itself against any and all liabilities it might incur for death, injury, or disability of any person or damage to property, real or personal.
- The county may insure any employee for liability from acts or omissions within the scope of their employment.
- The county may insure against the expense of defending a claim against the county.

The county may insure itself or its employees against any loss, damage, or liability as defined in the statutes. Any insurance secured by the county is considered a proper expenditure of county funds and may be provided in one or more of the following ways:

- Self-insurance
- Insurance from any authorized insurer
- Any other insurance secured in accordance with other methods provided by law

Two or more counties, by interlocal agreement, may jointly secure insurance by any of the methods stated above.

## ***Filing Claims***

All county officials should be aware that any person could file a claim against the county or its employees under the Governmental Tort Claims Act.

## **Definitions**

The following definitions explain some of the terminology in the act:

- Action - a court proceeding in which one-party brings a suit against another party
- Agency - any board, commission, committee, department, or other entity designated to act for the county

- Claim - any written demand presented by a claimant, in accordance with the Governmental Tort Claims Act, to recover money from the county as compensation for an act or omission of the county or its employees that has caused damage to the claimant.
- Claimant - a person or authorized representative who files a claim under this act. Only the following may be claimants and all claims for one occurrence or accident must be aggregated as one claim:
  - \* Any person holding an interest in real or personal property who suffers a loss
  - \* The individual actually involved in the accident or occurrence
  - \* An administrator or personal representative in the case of death
- County - a political subdivision of the state
- Employee - any person authorized to act in behalf of the county whether acting on a temporary or permanent basis, with or without pay, or on a full or part-time basis. Independent contractors or employees of independent contractors while acting in the capacity of an independent contractor are not included.
- Loss - death or injury to the body or rights of a person; damage to real or personal property
- Scope of employment - performance by an employee acting in good faith within the duties of his office or tasks assigned by a competent authority but not including corruption or fraud

### Written Claim Procedures

Any person with a claim against the county must file a written claim with the County Clerk of the county in which the accident or occurrence happened within one year after the loss. If the person is incapacitated and unable to present the claim, the time is extended up to an additional ninety days. When the claim is for death resulting from the accident or occurrence, the personal representative may present notice within one year after the loss.

51 O.S. § 156  
51 O.S. § 157

- Written notice of the claim must state the following information:
  - \* The date, time, and place of the accident or occurrence



- \* The circumstances of the loss
- \* The compensation sought for the loss
- \* The name, address, and phone number of the claimant or the authorized agent

Failure to supply any of this information will not invalidate the claim, however, unless the claimant refuses to furnish it.

Any claims not filed within one year of the loss cannot be submitted. Denial is automatic at the end of one year unless a settlement is reached earlier. No court action can begin until the claim has been denied in part or in full, but must begin within 180 days of the claim denial.

51 O.S. § 157

## ***Determining Liability***

### **Extent of Liability**

The following amounts are the county's total liability for a single accident or occurrence:

51 O.S. § 154

- Twenty-five thousand dollars for any claim, or any claimant with more than one claim for loss of property
- One hundred twenty-five thousand dollars for any claim for any other loss



**For counties with populations of 300,000 or more, the maximum liability is \$175,000.00.**

- One million dollars for any number of claims

### **Additional Claims**

The *Oklahoma Statutes* prevent claimants from filing for extra "punishment" damages. Claimants cannot file a claim or bring action that includes a request for punitive damages (additional payment to act as a punishment to the county or county employee), nor can they file a claim asking for exemplary damages (additional payment or judgment to warn others not to commit similar acts).

51 O.S. § 154(C)

Sometimes claimants will file claims that bring action against other parties in addition to the county. In situations where the claim includes the county as one party in a claim against several parties, the

51 O.S. § 154(G)

Statutes provide that the county is only liable for that percentage of total damages that corresponds to its percentage of total negligence.

### **Exemptions from Liability**

The county is not liable for loss if a claim results from certain actions as described in the statutes. The following situations are a partial list of exempted claim actions that apply to counties.

51 O.S. § 155

- Claims for loss resulting from legislative functions
- Claims for loss resulting from judicial, quasi-judicial, or prosecutorial functions
- Claims for loss resulting from execution or enforcement of a lawful court order
- Claims for loss resulting from adoption, or enforcement of, or failure to adopt or enforce a law
- Claims for loss resulting from performance or the failure to perform an act or service which is at the discretion of the county or its employees
- Claims for loss resulting from civil disobedience, riot, insurrection, or rebellion or the failure to provide law enforcement or fire protection
- Any claim based on the theory of attractive nuisance
- Claims for loss resulting from snow or ice conditions or temporary or natural conditions on any public way or place due to weather conditions, unless caused by negligence on the part of the county
- Claims for loss resulting from entry upon property where the entry is expressed or implied by law
- Claims for loss resulting from natural conditions of state, county, or other political subdivision property
- Claims for loss resulting from assessment or collection of taxes, special assessments, license or registration fees, or other fees imposed by law
- Claims for loss resulting from licensing powers or functions

- Claims for loss resulting from inspection powers or functions, including failure to make an inspection or making an inadequate inspection of any property, real or personal, to determine whether the property complies with the law or contains a hazard to health or safety
- Any claim covered by any worker's compensation act or any employer's liability act
- Claims for loss resulting from the absence, condition, location, or malfunction of a traffic sign or signal unless it is not corrected by the county within a reasonable time after knowledge of the situation, or has existed long enough that the county should have knowledge



**The county is not liable if it initially fails to place a sign or signal if the decision to do so is a discretionary act by the county.**

- Claims that are limited or barred by other law
- Claims for loss resulting from misrepresentation, if unintentional
- Claims for loss resulting from an act of omission by an independent contractor or its employees, subcontractors or suppliers
- Claims for loss resulting from theft by a third person of money in the custody of a county employee unless the employee was negligent or committed a wrongful act or omission
- Claims for loss resulting from interscholastic or other athletic contests sponsored or conducted by or on state or county property
- Claims for loss resulting from participation approved by a local board of education and held within a building or on the grounds of the school district before or after normal school hours or on weekends
- Claims for loss resulting from any court ordered or administratively approved work release program

- Claims for loss resulting from activities of the National Guard, the militia, or other military organization when on duty under the lawful orders of competent authority
- Claims for loss resulting from providing, equipping, operating, or maintaining a prison, jail, or correctional facility, including injuries resulting from parole or escape of a prisoner or by one prisoner to another prisoner
- Claims based on loss from providing, equipping, operating, or maintaining any juvenile detention facility, or injuries that result from a juvenile detainee's escape, or injury by a juvenile detainee to any other juvenile detainee
- Claims based on a manufacturer's product liability or warranty, either expressed or implied
- Claims or actions based on the theory of indemnification or subrogation
- Claims based on an act or omission of an employee in the placement of children
- Claims for loss resulting from acts or omissions done in conformance with current recognized standards
- Claims for loss resulting from maintenance of the state highway system unless the claimant proves negligence
- Claims for loss resulting from any confirmation of the existence or nonexistence of any effective financing statement on file in the Office of the Secretary of State made in good faith by an employee of that office
- Claims for loss resulting from any court-ordered community sentence

### ***Settling Claims***

If the county is not exempt from liability, the Board of County Commissioners must hear the claim and decide whether to award the claimant any damages. If the county participates in a self insurance program or has coverage through an insurance carrier, the claim should be considered in cooperation with the insurance carrier or adjustor, and the settlement of the claim should be referred to the insurance carrier or adjustor.

## Claim Denial

A claim is considered to be denied if the county fails to approve the entire claim within 90 days, unless the county denies the claim or reaches a settlement before ninety days.

51 O.S. § 157

If the claim is deemed denied in 90 days or less, the county must notify the claimant within five days of the claim denial.

When claimants' claims are denied, they have the option to file a lawsuit against the county. Claimants have 180 days after claim denial to take court action.

51 O.S. § 157(B)

## Claim Settlement

The county, after conferring with authorized legal counsel, can settle or defend against a claim or suit subject to prescribed procedural requirements. The county can also appropriate money to settle the claim.

51 O.S., § 158

## Employee Defense

Prior to 1985, the statutes required that the county defend, save harmless, and indemnify employees against tort claims, but these statutes have been repealed. Instead, the law now provides that suits brought under the Governmental Tort Claims Act must name the county as the defendant, and under no circumstances will any employee who was acting within the scope of his or her employment be named as the defendant.

Additional amendments effective July 1, 1986 further require the county to defend employees when liability is sought for any violation of property rights or any rights, privileges, or immunities secured by the Constitution or laws of the United States as long as the employee was acting within the scope of his or her employment.

51 O.S. §§ 162, 163(C)

When a judgment or settlement is entered in any court of the United States, the State of Oklahoma, or any other state for violation of property rights or any rights, privileges or immunities secured by the constitution or laws of the United States, payment must be made by the county up to the limits set by the law.

## County's Right to Recover Monies

The county has the right to recover from the employee the amount spent by the county in the defense, settlement, or judgment if it is shown that the employee's conduct that caused the action was fraudulent or corrupt or if the employee fails to cooperate in the action.

51 O.S. § 162(C)

## Settlement and Payment

The county may, after conferring with authorized legal counsel, either settle the claim or defend against any suit that might be brought. In the event a settlement is reached which exceeds \$10,000 and an applicable contract or insurance policy will not pay the payment required, the settlement must be approved by the District Court and entered as a judgment. If the county is covered by a contract or insurance policy, the terms of the contract or policy will govern the rights and obligations of the county concerning investigation, settlement, payment, and defense of the claims or suit. The insurer, however, cannot enter into a settlement that exceeds the amount of the insurance without approval of the county.

51 O.S. § 158

## Payment Limitations

The county is not responsible, under any circumstances, neither to pay nor indemnify any county employee for any punitive or exemplary damages, nor to pay for any defense, judgment, settlement, costs, or fees that are paid or covered by any applicable policy or contract of insurance.

In any civil rights judgment, the county can only pay or indemnify the percentage of fees and costs in the total award that the percentage of the award of actual damages bears to the total judgment awarded. The county can only indemnify its employees for actual damages, fees, and costs.

51 O.S. § 162 (D)

**CAUTION: County Officials should use the information in this chapter as a guide only. Please refer to the Oklahoma Statutes for more detailed explanations. County officers should also consult their District Attorney for more details on tort claims and for legal advice and assistance.**

## Chapter Six

# Office of County Commissioner

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The office of County Commissioner in the State of Oklahoma was created in the Oklahoma Constitution and has all of the rights and authorities of a constitutionally established office. Because of its origin, the office of County Commissioner is referred to as a Constitutional Office rather than a Statutory Office and a County Commissioner if referred to as a Constitutional Officer.

Oklahoma Constitution  
Article 17 § 2

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## Filing as a Candidate for County Commissioner

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To file for the Office of County Commissioner in an Oklahoma county, candidates must meet the following qualifications:

- Candidates must be qualified registered voters in the county in which they are filing for six months immediately preceding the first day of the election filing period.

19 O.S. § 131.1



**Candidates for County Commissioner are required to be qualified registered voters for six months in the district of the county in which they are filing for office.**

19 O.S. § 131(D)

- Candidates must be members of the political party under which they are filing, or be registered to vote as an independent if filing as an independent candidate, for six months immediately preceding the first day of the election filing period.
- Candidates cannot file for any other county office when filing as a candidate for County Commissioner.

26 O.S. § 5-105

26 O.S. § 5-106

County Commissioners are eligible to become a candidate for another county office or state office without resigning their current position.

19 O.S. § 131(D)

- Persons cannot file as a candidate for County Clerk for fifteen years after the following actions:

26 O.S. § 5-105(a)

- \* Receiving a conviction of a misdemeanor involving embezzlement
- \* Receiving a conviction of a felony
- \* Having entered a plea of guilty or nolo contendere to either of the above
- \* Awaiting an appeal of a guilty plea or conviction for either of the above

- Candidates must personally sign and file a Declaration of Candidacy form (available from the county election board secretary) that contains an oath that they are qualified to be a candidate and to hold office.

5-103, 5-111, 511.1



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## Filling the Office of County Commissioner

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Each county in Oklahoma is divided into three districts, and each district elects its own County Commissioner. Each district's Commissioner is a member of the Board of County Commissioners, which acts as the administrative body for the county.

### *Term of Office*

Each County Commissioner's term of office is four years and begins on the first Monday in January following the election the preceding November. The terms of office are staggered so that all three commissioners' terms do not expire at the same time. District one and district three commissioner elections are in the same year (even-numbered year); the district two commissioner election is in the next even-numbered year.

19 O.S. § 131(C)

However, if the office becomes vacant before the preceding County Commissioner's term expires, a newly elected County Commissioner should assume office immediately. The following list includes some of the reasons a County Commissioner might vacate an office before the term expires.

- Death or resignation
- Removal from office or failure to qualify as required by law
- Final judgment against him or her for breach of the Official Bond
- Change of residency to outside the county
- Conviction of any felony or violation of official oath; providing no appeal is pending and final judgment has not been rendered
- A guilty or nolo contendere plea entered in a state or federal court for any felony or violation of the official oath

51 O.S. § 8

51 O.S. § 6(A)

### *Conditions of Office*

County Commissioners must abide by the following conditions of office:

- A County Commissioner cannot hold another political office in Oklahoma or the United States, or serve as a deputy in another political office.
- A County Commissioner must carry out his or her duties in a conscientious, appropriate, and professional manner.

51 O.S. § 6(A)

Oklahoma  
Constitution  
Article 2 § 11

## ***Vacancies***

When the office of County Commissioner becomes vacant for any reason the Governor must call a special election within thirty days after the vacancy occurs unless the following conditions apply:

- The vacancy occurs before March 1 of any even-numbered year.
- The current term of the person vacating the office ends in the following year.

If these conditions exist, the Governor must appoint the candidate elected as County Commissioner at the Primary election, runoff Primary election, or the regular General Election as soon as practical after the applicable election to fill the unexpired term.

26 O.S. § 12-111

Any questions regarding specific vacancy situations should be referred to the District Attorney's office.

## ***Resignations***

If a County Commissioner resigns, a written resignation must be filed with the Governor. This resignation is effective on the date it is filed with the Governor unless some other time is specified.

19 O.S. § 180.65(B)  
51 O.S. § 9(1)

## ***Removal***

The removal of a County Commissioner or any other county official requires a civil and/or legal process.

22 O.S. § 1181, 1192, 1196  
51 O.S. § 91

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## Assuming the Office of County Commissioner

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After election and before assuming office, the County Commissioner must sign and affirm an oath of office and sign a loyalty oath.

### *The Oath or Affirmation*

Oklahoma law requires that all public officers, before assuming the duties of their offices, must take and subscribe to an oath or affirmation similar to the sample oath/affirmation shown in [Figure 6-1](#). The District Judge usually administers the oath of office to the County Clerk on the first working day in January. The signed oath is filed with the County Clerk.

Oklahoma Constitution  
Article 15 § 1  
51 O.S. § 36.2A

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## Serving as County Commissioner

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### *The Blanket Bond*

The Board of County Commissioners must purchase a sufficient surety contract, or blanket bond to cover all elected officials and their employees. Please refer to [Chapter Ten, Duties of the County Commissioner: County Administration](#) for more details on blanket bonds.

19 O.S. § 167

### *Office Organization*

When first organizing the office, the County Commissioner should take the following factors into consideration:

- Number of employees and their abilities
- Funds available for employees
- County size and office workload
- Type of management structure preferred

## OATH OF OFFICE

(Article XV, Oklahoma Constitution)

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law; I further swear (or affirm) that I will faithfully discharge my duties as \_\_\_\_\_ to the best of my ability.”

(sign here) \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ A. D., \_\_\_\_\_.

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_  
(Seal)

**Figure 6-1. Sample Oath of Office for County Officers**

\_\_\_\_\_  
AGENCY, AUTHORITY, COMMISSION, DEPARTMENT, OR INSTITUTION      AGENCY NO \_\_\_\_\_

\_\_\_\_\_  
ADDRESS, CITY, AND ZIP CODE

\_\_\_\_\_  
NAME OF OFFICER OR EMPLOYEE

### LOYALTY OATH

(51 O.S. § 36.2A)

"I do solemnly swear (or affirm) that I will support the Constitution and the laws of the United States of America, and the Constitution and the laws of the State of Oklahoma, and that I will faithfully discharge, according to the best of my ability, the duties of my office or employment during such time as I am \_\_\_\_\_. (Here put name of office, or, if an employee, insert "An Employee Of \_\_\_\_\_" followed by the complete designation of the employing officer, agency, authority, commission, department, or institution.)

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(Seal)

\_\_\_\_\_  
Notary Public or other officer authorized to  
administer oaths or affirmations.

My commission expires \_\_\_\_\_

RETURN ORIGINAL TO:      Secretary of State  
101 State Capitol  
Oklahoma City, OK 73105

**Figure 6-2. Sample Loyalty Oath for County Officers**

Newly elected or appointed Country Commissioners may find it helpful to take advantage of existing organizational structures and knowledgeable personnel and make changes only as necessary until they become more familiar with the office.

### ***Office Locations***

Each County Commissioner must maintain an office and keep all records at the county seat.

19 O.S. § 133(A)

The Board of County Commissioners must provide office space, record storage, and supplies at the county seat for all County Commissioners and other county offices.

19 O.S. § 447

However, a county officer may establish an additional office or additional offices at any location within the county. A county employee who is employed at an additional office by one county officer may perform duties on behalf of another county officer if specifically authorized by each county officer on whose behalf the employee is performing duties.

19 O.S. § 133(A)

For purposes of filing and recording of documents, the additional county office may receive documents for the sole purpose of collection and delivery to the main county seat office. The additional county office shall not file or record the documents at the additional county office, but must deliver such documents to the main county seat office. Any document which may be delivered to the additional county office for filing or recording pursuant to law shall not be deemed filed or recorded and shall not impart constructive notice of such document on third parties until such document is delivered and recorded at the main county seat office.

19 O.S. § 133(B)

### ***Hours***

All county offices within each county should be open during the same hours as determined by mutual agreement among the county officers. Office hours must be posted in a prominent place easily seen by the public. County Commissioners and members of the excise board designate county holidays.

19 O.S. § 136

19 O.S. § 350

## ***Office Personnel***

### **Deputies**

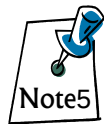
Personnel who report to the County Commissioner normally hold the title of deputies. In practice, the titles of Chief Deputy or First Deputy, Second Deputy, and Third Deputy or Deputy Assistant are used. These titles generally imply a hierarchy of experience and responsibility.

The numerical rank of any deputies to be effective must be designated with the County Clerk's signature and filed with the County Clerk.

#### ***First Deputy or Chief Deputy***

The County Commissioner must designate a Chief (or first) Deputy (sometimes called a Foreman) who fulfills all of the duties of the office during any absence of the County Commissioner or in the event of death, removal from office, or resignation of a County Commissioner. When the Chief Deputy fulfills the duties because of an absence by the County Commissioner, all actions should be performed as directed by the County Commissioner.

19 O.S. § 180.65(B)  
A.G. Opinion 96-015



**The designation of the Chief Deputy must be approved by the Board of County Commissioners and entered into the minutes of the regular meeting at which the approval is given.**

#### ***Additional Deputies***

If any officer determines that additional employees are needed based on the office workload, proposals for increases in personnel must be made to the County Excise Board or the Budget Board, depending on the county. These boards will consider such requests based on the county budget and other county officials' needs.

19 O.S. § 180.65(A)

#### ***Duties and Job Descriptions***

Written job descriptions for deputies might prove helpful in understanding the work of the County Commissioner's office.

Job descriptions can be expanded in detail and can provide valuable information to new employees, reduce training time, and help reduce errors.

It is important that all employees know all of the duties of the office of the County Commissioner to best serve the customers of the office.

Figure 6-3 shows an example of a County Commissioner's office organizational chart based on position and job duties.

### ***Personnel Policies***

The Board of County Commissioners establishes minimum personnel policies for all county employees with the approval of a majority of all county elected officers recorded in the minutes of the Board.

19 O.S. § 339(A)(9)

Chapter Ten, *Duties of the County Commissioner: County Administration*, explains the County Commissioners role in creating personnel policies in more detail

### ***Salaries***

The Board of County Commissioners has the authority to recommend the total amount of funds that can be used for the combined salaries in each of the county offices. The County Excise Board is responsible for reviewing and approving these recommendations. County officers' payroll budgets cannot exceed these approved funds.

19 O.S. § 180.65(F, G)

Chapter Three in this handbook, *The County Budget Process*, contains detailed information on County Excise Boards and County Budget Boards.

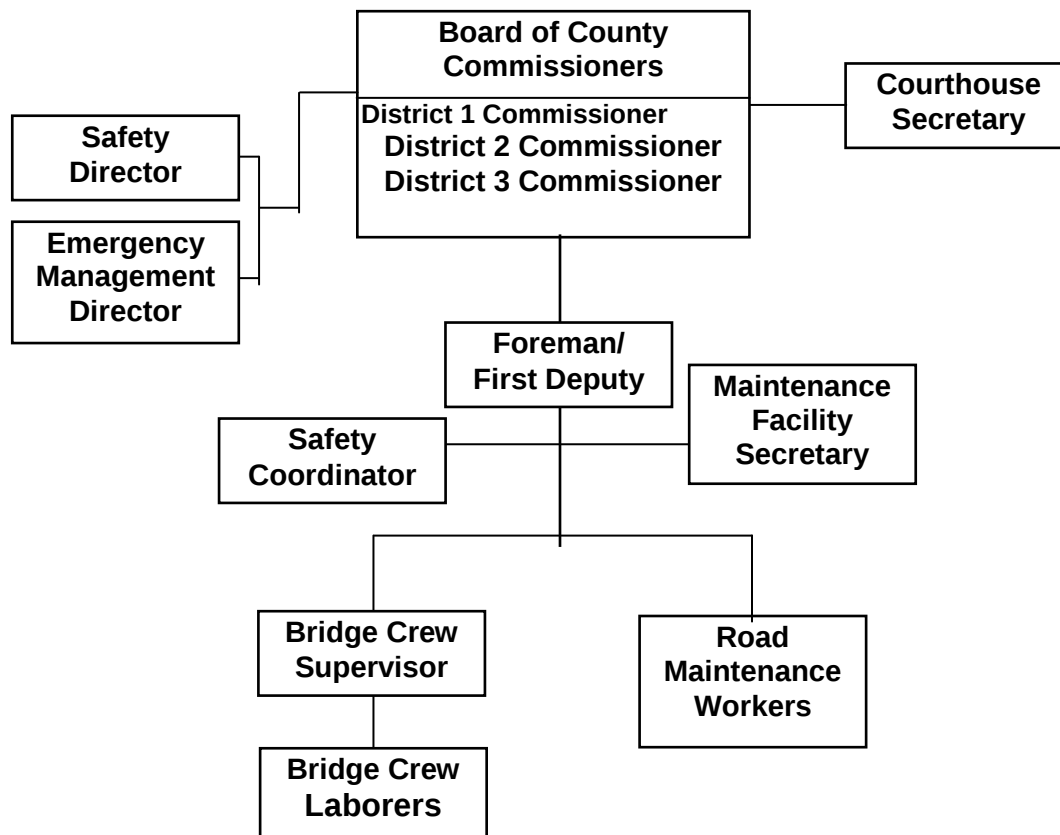
Refer to Chapter Ten in this handbook, *Duties of the County Commissioner, County Administration*, for additional information on salaries for county officers and deputies.

### ***The County Seal***

The Board of County Commissioners must obtain and keep a seal to be used as the official seal of the county. The Board must provide a county seal for all county officers.

19 O.S. § 325  
19 O.S. § 447





**Figure 6-3. Sample Organizational Chart  
for the Office of County Commissioner**

## *The Oklahoma Statutes*

Upon assuming office, the County Commissioner should take possession of any Oklahoma Statutes, Session Laws, and Yearly Supplements from the outgoing County Commissioner. The County Clerk must file receipts for all copies of the statutes in the possession of designated county officials. If the statutes are missing, the County Clerk may requisition to purchase new ones as allowed under the county's purchasing procedures.

75 O.S. § 18

## **Statute Conflicts**

When referencing statutes, be aware that more than one statute might contain provisions for identical or similar subjects. If any of these provisions conflict or contradict each other, the most recent statute or most specific statute must prevail.

75 O.S. § 22

## *Purchasing Procedures*

All county purchasing is centralized in a single office and carried out by a single purchasing agent. The county purchasing agent may be the County Clerk or a deputy appointed by the County Clerk. New County Commissioners should determine who is the county purchasing agent and discuss purchasing procedures with that agent immediately after taking office.

19 O.S. §§ 1500 et. seq. ~1507

The county purchasing agent's job is to act as the shopper for the county. The agent finds the most cost efficient products, places the orders, and makes all purchases paid for with county funds.

19 O.S. § 1501

## **Requesting Officers**

Upon assuming office, the County Commissioner must assign at least one individual, but not more than two people, to be **Requesting Officers** or individuals who can sign purchasing requisitions during any absence. This information must be filed with the County Clerk and entered into the Board of County Commissioners' minutes.

19 O.S. § 1501(A)(4)

## **Receiving Officers**

The County Commissioner should also appoint at least one individual, but not more than two people, to serve as **Receiving Officers**, file their names with the County Clerk, and enter their names into the Board of County Commissioners minutes.

19 O.S. § 1501(A.4)  
19 O.S. § 1503, 1504

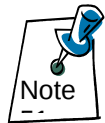
Receiving Officers determine that a valid purchase order exists for items received, that the items are in the condition requested, and then prepare a Receiving Report. Receiving Officers also maintain a record of all supplies, materials, and equipment received, disbursed, stored, and consumed by the department. Normally, one of the receiving officers is designated as the **Inventory Officer**.

## ***Inventory Procedures***

Upon assuming office, the County Commissioner must perform and maintain an inventory of all office equipment and ensure that all equipment that is recorded as assigned to the County Commissioner's office is present. The inventory should include (but is not limited to) all items worth \$500.00 or more.

19 O.S. § 178.1

19 O.S. § 178.2



**Inventories should be performed annually and whenever a county official changes in preparation for an SA&I exit audit.**

Each county officer must file a copy of the inventory in the County Clerk's office. The County Clerk serves as custodian and repository of all county inventory records, files, and reports.

19 O.S. § 178.2

The County Clerk is authorized to destroy all inventory records, files, and reports on file in her office of any county inventory that have been disposed of for three years or more providing that a full audit of the inventory account has been made by the Office of the SA&I.

19 O.S. § 178.3

Please refer to the *Purchasing Handbook for County Officers* published through the County Training Program at [Oklahoma Cooperative Extension Service](#) and the [Office of the State Auditor and Inspector \(SA&I\)](#) for complete details regarding inventory responsibilities and purchasing procedures, and to 19 O.S. §§ 1500-1507.

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## **Filing Signatures with the Secretary of State**

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Upon assuming office, The County Commissioner must sign the signature list for elected officials provided by the County Clerk. The County Clerk notarizes and certifies the list and files it with the Secretary of State.

19 O.S. § 257

### ***Facsimile Signatures***

If any officer uses some method of reproducing the signature such as a stamp, engraving, or imprinting, a facsimile must be filed with the Secretary of State along with the manual signature.

62 O.S. §§ 602

62 O.S. §§ 603

The County Clerk can use a facsimile signature to execute or cause to be executed any public security, or any certificate, provided that at least one of the signatures required is manual. A copy of the County Clerk's manual signature must be on file in the Secretary of State's office.

**WARNING! Intent to defraud by use of a facsimile signature or facsimile seal on public securities is a felony.**

## Chapter Seven

# Duties of the County Commissioner: General

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Phil Carson (right), Canadian County Commissioner, District 1, discusses a repair with his mechanic at the District 1 shop.

The powers, duties, and responsibilities of the County Commissioners are specified in the Oklahoma Constitution and the Oklahoma Statutes.

Oklahoma Constitution  
Article 17, § 2

The office of County Commissioner in the State of Oklahoma was created in the Oklahoma Constitution and has all of the rights and authorities of a constitutionally established office. Because of its origin, the office of County Commissioner is referred to as a Constitutional Office rather than a Statutory Office, and a County Commissioner is referred to as a Constitutional Officer.

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## County Districts

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Each county in Oklahoma is divided into three compact districts, which are numbered one, two, and three. The statutes require that each district be as equal in population as practical. The voters of each district elect one County Commissioner from that district, who must reside in, and have been a registered voter in, that district for a six-month period immediately preceding the first day of the filing period.

19 O.S. § 131.1  
19 O.S. § 321(A)

The Board of County Commissioners reapportions the districts in the county on or before October 1 following the final official publication of the Federal Decennial Census to the State of Oklahoma for legislative redistricting. District borders must follow clearly visible, definable, and observable physical boundaries.

19 O.S. § 321(B.1, 2)

If the Board of County Commissioners fails to reapportion the county according to the requirements of the statutes, the County Excise Board is responsible for reapportioning the districts.

19 O.S. § 321(B.3)

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## Board of County Commissioners

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Although County Commissioners are elected individually by district, all three are elected to the Board of County Commissioners. As members of that board, they are responsible to all citizens in the county. The Board of County Commissioners serves as the administrative and management body for the county.

The Board of County Commissioners must act together as a board to enter into contracts, approve purchases, or make any other agreements that affect the county's welfare.

19 O.S. § 3  
19 O.S. § 348  
19 O.S. § 327

### ***Chairperson***

At the first session each year of the Board of County Commissioners, the board elects one of its members as the chairperson. This person serves as chairperson for the entire year, providing the individual remains in office during that year. In case of a vacancy for any reason, the board elects another chairperson.

The chairperson of the Board of County Commissioners has the following responsibilities:

- Presiding at all board meetings
- Administering oaths
- Issuing orders made by the board
- Signing all warrants drawn on the County Treasurer
- Serving as chairperson of the Board of Tax Roll Corrections

### ***Equal Division***

When the members of the Board of County Commissioners are equally divided on any question, that question must be deferred until the next board meeting when it can be decided by a majority of the board. See [Chapter Eight, \*Duties of the County Commissioner: Meetings\*](#), for more information regarding voting.

19 O.S. § 329

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## **Defining the County Commissioners' Powers and Responsibilities**

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### ***General Powers***

The Oklahoma Statutes authorize the Board of County Commissioners to perform the following actions:



**These are authorities granted to the Board of County Commissioners by the statutes, but are not requirements. They can be performed if and when necessary.**

- To issue all orders with respect to the real property of the county, to purchase and sell public grounds for the county, and to sell unused town lots or parcels 19 O.S. § 342  
19 O.S. § 339(A)(1)
- To sell county-owned land, sites, or structures to the Oklahoma Historical Society for purposes of restoration and preservation 19 O.S. § 339.1
- To issue deeds of conveyance on certain county lands that are no longer needed for county purposes to the United States of America or any city or town for use as forest reserves, game preserves, national parks, irrigation or drainage projects, public buildings, or any other general use. 19 O.S. § 349
- To use any county-owned tools, apparatus, machinery, or equipment as a trade-in on a cash purchase of other tools, apparatus, machinery or equipment 19 O.S. § 421.1
- To incur indebtedness in the name of the county when necessary
- To call county bond elections when funds are needed for public projects
- To pass and revoke a resolution declaring a period of extreme fire danger and instituting a burn ban in the county. 2 O.S. § 16-26

The resolution is effective for seven days from the date of the resolution. If the fire danger persists, subsequent resolutions may be passed. The resolution may grant exemptions based on appropriate precautionary measures.

Notice of the resolution shall be submitted to the Forestry Division of the Oklahoma Department of Agriculture, Food, and Forestry, all local news media, local law enforcement officials, and the state headquarters of the Department of Public Safety, the Oklahoma Tourism and Recreation Department, and the Department of Wildlife Conservation on the day the resolution is passed.



- To audit the accounts of all county officers who maintain, manage, collect, or disburse any money that belongs to the county or is appropriated for the county's benefit 19 O.S. § 339(A)(2)
- To construct and repair bridges and to construct, repair, and manage highways in the best interest of the county 19 O.S. § 339(A)(3)
- To recommend or sponsor an employee or prospective employee for job-related training and certification 19 O.S. § 339(A)(4)
- To set off, organize, and change the boundaries of townships and to designate and name them. 19 O.S. § 339(A)(6)  
Boundaries cannot be set off, organized, or changed six months preceding a general election.
- To lease county tools, apparatus, machinery, or equipment to another political subdivision or a state agency 19 O.S. § 339(A)(7)
- To purchase heavy equipment jointly with other counties and to loan or lease that equipment across county lines 19 O.S. § 339(A)(8)
- To develop county personnel policies with the approval of a majority of the county elected officials 19 O.S. § 339(A)(9)
- To provide uniforms, safety devices and equipment, and safety training for county officers and employees 19 O.S. § 339(A)(10)
- To allow up to \$250.00 per employee for a safety award each year 19 O.S. § 339(A)(10)  
Refer to “[Safety Incentive Awards](#)” in Chapter ten, Duties of County Commissioners: County Administration
- To pay for notary commissions, filing fees, and notary seals and bonds 19 O.S. § 339(A)(11)
- To perform other duties and acts that the Board may be required by law to perform 19 O.S. § 339(A)(12)
- To purchase items at a public auction 19 O.S. § 339(A)(13)

- May deposit interest income from highway funds into the county general fund or keep the interest in the county highway fund 19 O.S. § 339(A)(14)  
62 O.S. § 82
- To submit sealed bids to purchase equipment from the State of Oklahoma or any state agency or political subdivision 19 O.S. § 339(A)(15)
- To utilize county-owned equipment, labor and supplies at their disposal on property owned by the county, public schools, two-year colleges or technical branches of colleges that are members of The Oklahoma State System of Higher Education, the state, and municipalities according to the statutes 19 O.S. § 339(A)(16)
- To enter into intergovernmental cooperative agreements with the federally recognized Indian tribes in Oklahoma regarding construction and maintenance of streets, roads, bridges, and highways 19 O.S. § 339 (A)(17)
- To execute hold harmless agreements with the lessor when leasing or lease-purchasing equipment 19 O.S. § 339 (A)(18)
- To accept donations of right-of-way or right-or-way easements 19 O.S. § 339 (A)(19)
- To establish by resolution the use of per diem for specific purposes in accordance with the statutes 19 O.S. § 339 (A)(20)
- To apply to the Department of Environmental Quality for a waste tire permit to bale waste tires for use in approved engineering projects 19 O.S. § 339 (A)(21)
- To enter into the National Association of Counties (NACo) Prescription Drug Discount Program 19 O.S. § 339 (A)(22)
- To work with federal, state, municipal, and public school district properties to minimize costs 19 O.S. § 339 (A)(23)
- To use and operate any county-owned motor vehicles for transporting or distributing commodities in any county in the state of Oklahoma for county use or benefit 19 O.S. § 354

- To allow county-owned vehicles to be used to transport Boy Scouts or Girl Scouts to and from Scout-sponsored activities 19 O.S. § 358
- To contract for ambulance service from specified entities 19 O.S. § 371(a)
- To employ a data processing technician for data processing management 19 O.S. §§ 376, 377, 378
- In counties with more than 250 miles of lake shore line, to purchase, maintain, and operate a boat and motor for the official business of the county 19 O.S. § 457
- To offer and pay a reward, not to exceed \$1,000.00, for the arrest and conviction, or for evidence leading to the arrest and conviction of any person who steals or defaces county road signs 19 O.S. § 455
- In counties with a county budget board, to designate money from general county funds for county drug enforcement and county drug abuse prevention programs 19 O.S. § 339(B)
- To provide firefighting service, equipment, employees, fire stations, and hydrants in the county; and to use county employees and firefighting equipment in an emergency, when the county Emergency Management Director or a rural fire department requests the firefighting service and to use county personnel to fight fires in emergency situations 19 O.S. § 351
- To enter into agreements with any city, town, or municipality nonprofit volunteer or full-time fire department to furnish fire protection services and emergency services 19 O.S. §§ 351.1
- To enter into agreements with local senior citizen centers to provide services for county residents 19 O.S. § 352.1
- To authorize employing school guards to direct travel and traffic on streets and highways outside the limits of incorporated cities and towns when necessary to protect the life and safety of pupils attending public schools. 19 O.S. § 453
- To hire counselors or contract for services of counselors, as county funds are available, to provide counseling services to various county citizens or employees 19 O.S. § 353.1

- To approve that the judge responsible for the juvenile docket may employ a director of county juvenile facilities and services and deputies as appropriate 19 O.S. § 452.1
- To enter into contracts with authorities of the United States of America, the State of Oklahoma, or any incorporated city or town within the county's boundaries for airports or public uses 19 O.S. § 338
- To provide to public schools within the county any county-owned equipment that may be needed to make improvements on school grounds 19 O.S. § 359

The expense of operation, including operating personnel, may be billed to the school district on an actual cost basis. The expense of the improvements supplied for the improvements must be paid from school funds.
- To investigate the accounts, disbursements, bills, and expenses of any county, district, or township officer 19 O.S. § 340
- In counties with more than 550,000 population, to have dilapidated buildings within the county torn down and removed 19 O.S. § 360

The board of county commissioners must determine the actual cost of dismantling and removing the dilapidated buildings and any other expenses that may be necessary including the cost of notice and mailing. If dismantling and removing the dilapidated buildings is done on a private contract basis, the contract must be awarded to the lowest and best bidder. All costs and expenses may be paid from the general fund of the county.

## ***Responsibilities***

The Board of County Commissioners must perform all duties required by the Oklahoma Statutes. [Table 7-1](#) at the end of this chapter shows a chronological list of those duties. Some of the major responsibilities are discussed below.

### **Hold Regular Sessions**

The Oklahoma Statutes require the Board of County Commissioners to hold regular sessions to transact county business in the county courthouse, at the county seat, on or before the first Monday of each month. The Board may remain in session for the time required to complete the public business of the county.

19 O.S. § 326(A)

The board of county commissioners may meet at times and in places within the county other than the county courthouse if it is determined that such meetings are beneficial to the general public.

19 O.S. § 326(B)

These sessions are open to the public and must be conducted according to the Open Meeting Law. Refer to [Chapter Eight, \*Duties of the County Commissioners: Meetings\*](#).

### ***Power to Preserve Order***

The Board of County Commissioners has the power to preserve order when sitting as a board, and may punish contempts by fines not exceeding five dollars, or by imprisonment in the county jail not exceeding twenty-four hours. They may force obedience to all orders made by attachment or other compulsory process. Fines must be paid within ten days.

### **Serve as County Administrators**

The Board of County Commissioners serves as the administrative unit for the county. [Chapter Ten, \*Duties of the County Commissioners: County Administration\*](#), contains detailed information on the administrative duties of the Board. The following paragraphs summarize some of those duties.

### **Issue orders and authorizations**

The Board of County Commissioners has the legal authority to issue several types of orders, which include the following examples:

Appoint one member to the County Equalization and Excise Board

68 O.S. § 2861

Designate, with the County Excise Board, and publish between January 1 and January 20 each year the holidays on which the county offices will be closed

Issue all orders with respect to real property in the county

19 O.S. § 350

### **Supervise the financial affairs of the county**

The Board of County Commissioners must oversee the fiscal concerns of the county and manage them in the best manner. The following activities are some of the actions required of the board by the Oklahoma Statutes:

- Prepare budgets
- Receive bids and award contracts
- Audit, approve, and act on tort claims against the county (Refer to [Chapter Five, \*Governmental Tort Claims Act\*](#).)
- Keep an account of county receipts and expenditures
- Ensure fiscal responsibility of all officials who handle county funds
- Make recommendations to the County Excise Board regarding each officer's estimate of needs
- On the first Monday in July each year, request and publish or post a full and accurate statement of the assessments, receipts, and expenditures of the preceding year, and an account of all of the debts owed to and by the County Treasurer

19 O.S. § 332

19 O.S. §§ 332, 441

19 O.S. §§ 444, 445

### **Oversee Purchasing and inventory**

The Board of County Commissioners must understand and follow the purchasing laws of Oklahoma. (Refer to the *Purchasing Handbook for Oklahoma Counties* on the *Handbook for County Commissioners* CD or visit the CTP website <http://www.agecon.okstate.edu/ctp> and click on handbooks.)

The Board of County Commissioners must prescribe a uniform identification system and create an inventory system for all county-owned supplies, materials, and equipment that has an initial cost of \$500.00 or more and is not used in road or bridge construction.

19 O.S. § 1502

### **Furnish Courtroom and Office Space and Supplies**

In any city within the county, other than the county seat, which has been designated as a court or court division, the Board of County Commissioners must provide suitable and adequate courtroom and office space for the judges of the district court and attendants, for the court clerk and staff, and for a branch of the law library.

19 O.S. § 401.1

The Board of County Commissioners must furnish, at the county's expense, suitable cases and other furniture for the safe and convenient storage of all the books, documents, and papers belonging to each county officer.

19 O.S. § 447

### **Perform Other Required Duties**

The following actions are other administration duties required of the Board of County Commissioners:

19 O.S. § 331

- Ensure that all oaths of office are on file before county officers assume their duties
- Purchase a blanket bond to cover all county officers, appointive officers, and employees, and other bonds as necessary

Please refer to [Chapter Ten, \*Duties of the County Commissioner: County Administration\*](#) for more details on blanket bonds.

- Inspect and approve county programs and facilities
- Investigate county officials' performance
- Inspect the county jail
- Ensure that a county map is available in the County Clerk's office
- Select one or more county newspapers in which to publish Board of County Commissioners' proceedings and actions

57 O.S. § 1

19 O.S. § 346

19 O.S. § 444

## **Maintain County Highway System**

The Board of County Commissioners is responsible for maintaining the county highway system. [Chapter Fourteen, \*Duties of the County Commissioner: County Roads and Bridges\*](#), discusses the various duties and responsibilities regarding the county highway system.

## **Provide Community Service**

The Board of County Commissioners can provide various community services such as fire protection with the county. Refer to [Chapter Fifteen, \*Duties of the County Commissioner: Community Services\*](#), for more information.

## **Serve on County Boards and Interact With Other County Offices and Departments**

The Board of County Commissioners acts as the administrative body for the county and must interact with other county officers and boards and departments. Please refer to [Chapter Sixteen, \*Duties of the County Commissioners: County Offices, Boards, and Departments\*](#) for more information.

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## **County Commissioner Training**

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### ***ACCO Conferences and Workshops***

The Association of County Commissioners (ACCO) hosts three regular conferences each year (spring, summer, and fall), which include meetings, training sessions, and workshops for county commissioners and their employees. Contact the [ACCO](#) office for dates and more information plus additional training opportunities.

### ***ACCO Safety Meetings***

The Association of County Commissioners of Oklahoma sponsors 3 safety conferences and a joint Safety/Commissioner conference every summer. The safety conferences are intended to provide timely information for the participants to disseminate to the employees in the counties. The Statutes require the safety director to ensure that training is provided to each county employee on subjects relating to the hazards of their specific jobs. These conferences help provide the information to

40 O.S. § 403(E)(2)



accomplish this. Safety Directors, Safety Coordinators, County Commissioners, and any county employees are welcome to attend the safety conferences. The conferences generally start at 1:00 pm on a Thursday and end at noon on Friday.

### ***Commission on County Government Personnel Education and Training***

The Commission on County Government Personal Education and Training oversees the County Training Program (a professional development program for training Oklahoma county officers and other employees in the state.) This program is coordinated by the [Oklahoma Cooperative Extension Service](#) at Oklahoma State University. It provides county officer handbooks and offers courses related to the various county offices including duties and responsibilities, management techniques and processes, and individual development.

19 O.S. §§ 130.1, 130.2, 130.3, 130.4,  
130.5, 130.6

County Commissioners are required by statute to participate in the appropriate training programs and educational seminars relevant to their positions and duties.

19 O.S. § 130.7

### **County Commissioner Certification/Accreditation Program**

The Association of County Commissioners (ACCO) elected in 2000 to institute a certification/accreditation program through the County Training Program.

The certification/accreditation program is voluntary and available to County Commissioners, their deputies, and their employees. The program has three levels:

- Basic Certification/Accreditation

This level includes five courses.

- Advanced Certification/Accreditation I

This level, adopted in 2001, requires approximately five courses (selected from a list of alternatives) for advanced I recognition.

- Advanced Certification/Accreditation II

This level, adopted in 2001, requires approximately five courses (selected from a list of alternatives) for advanced II recognition.

Participants must complete the prescribed courses to receive certification. For accreditation, participants must also complete a take-home exercise and receive at least an 80% score.

Certificates for each level are awarded at the ACCO fall conference.

The certification/accreditation program is subject to revisions and updates. Please contact the County Training Program (coordinated by the [Oklahoma Cooperative Extension Service](#)) at Oklahoma State University for the most current requirements.

### ***Roads Scholar Certification***

The Local Technical Assistance Program (LTAP) Center at Oklahoma State University provides a Roads Scholar Certification program for County Commissioners and their employees. Courses in the program relate to the technical aspects of building and maintaining county roads and to administrative responsibilities. Contact the LTAP Center at the Center for Local Government Technology for more information.

**Table 7-1 Yearly Calendar of Activities  
for the Board of County Commissioners**

| Calendar Date                                        | Activity                                                                                                                                                                                      | Handbook Reference  | Statute Reference  |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------|
| <b>Monthly</b>                                       |                                                                                                                                                                                               |                     |                    |
| On or before first Monday of each month at 9:00 a.m. | Meet in regular session to conduct county business                                                                                                                                            | Chapter Eight       | 19 O.S. § 326, 348 |
|                                                      | Review and approve all claims against the county                                                                                                                                              | Chapter Eight       | 19 O.S. § 326      |
|                                                      | Receive and approve all bids                                                                                                                                                                  | Chapter Eight       | 19 O.S. § 1505(B)  |
|                                                      | Determine the amount of county highway funds that may be encumbered by the County Purchasing Agent during the month<br>File requests for county road fund monies with the County Excise Board | Chapter Fourteen    | 62 O.S. § 310.1    |
|                                                      | File requests for county road fund monies with the County Excise Board                                                                                                                        | Chapter Fourteen    | 62 O.S. § 331      |
| <b>Quarterly</b>                                     |                                                                                                                                                                                               |                     |                    |
|                                                      | Receive and review all records of use of consumable items of various departments                                                                                                              | Chapter Seven       | 19 O.S. § 1505E    |
| <b>Annually</b>                                      |                                                                                                                                                                                               |                     |                    |
|                                                      | Select a newspaper or papers in which to publish Board proceedings and actions                                                                                                                | Chapter Seven, Nine | 19 O.S. § 444      |
|                                                      | Inspect the county jail                                                                                                                                                                       | Chapter Seven       | 57 O.S. § 1        |

**Table 7-1. Yearly Calendar of Activities  
for the Board of County Commissioners (Continued)**

| Calendar Date                           | Activity                                                                                                                                | Handbook Reference   | Statute Reference   |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------|
|                                         | Purchase or renew the county's liability insurance (optional)                                                                           | Chapter Seven        | 51 O.S. § 169       |
|                                         | Purchase or renew the county's blanket bond                                                                                             | Chapters One and Ten | 19 O.S. § 167       |
|                                         | Appoint Safety Director; review safety policies                                                                                         |                      | 40 O.S. § 301       |
| <b>As Necessary</b>                     |                                                                                                                                         |                      |                     |
|                                         | Appoint the county's Public Defender                                                                                                    | Chapter Sixteen      | 19 O.S. § 137.2     |
|                                         | Appoint a director of the county's Emergency Management Program                                                                         | Chapter Sixteen      | 63 O.S. § 683.11(a) |
|                                         | Appoint three members to the County Planning Commission (if any) and the Board of Adjustment                                            | Chapter Sixteen      | 19 O.S. § 865.55    |
|                                         | Appoint the Board of Control for the County Hospital                                                                                    | Chapter Sixteen      | 19 O.S. § 789       |
| <b>January</b>                          |                                                                                                                                         |                      |                     |
|                                         | Review the County Sheriff's report on prisoners                                                                                         | Chapter Seven        | 19 O.S. § 180.43    |
|                                         | Create an inventory system of machinery, equipment, and other supplies not used in the construction or maintenance of roads and bridges | Chapter Seven        | 19 O.S. § 1500-1505 |
| At the first regular session in January | Elect one County Commissioner as Chairman of the Board of County Commissioners                                                          | Chapter Seven        | 19 O.S. § 327       |

**Table 7-1. Yearly Calendar of Activities  
for the Board of County Commissioners (Continued)**

| Calendar Date           | Activity                                                                                                                                                               | Handbook Reference | Statute Reference                                |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------------|
| <b>June</b>             |                                                                                                                                                                        |                    |                                                  |
| In an election year     | Inspect the County Treasurer's books at the close of the term                                                                                                          | Chapter Six        | 19 O.S. § 626                                    |
|                         | Appoint two members to the County Board of Health for an annual term                                                                                                   | Chapter Sixteen    | 63 O.S. § 1-201                                  |
| <b>July</b>             |                                                                                                                                                                        |                    |                                                  |
| July 1                  | Publish the County's financial statement and salaries                                                                                                                  |                    | 19 O.S. § 345<br>19 O.S. § 444<br>68 O.S. § 3002 |
| First Monday            | Collect the estimate of needs of the various county offices and publish them. Forward them along with the Board's recommendation to the County Excise Board by July 10 | Chapter Two        | 68 O.S.<br>§§ 3002, 3004                         |
| <b>November</b>         |                                                                                                                                                                        |                    |                                                  |
|                         | Review the County Sheriff's jail report                                                                                                                                | Chapter Seven      |                                                  |
| <b>December</b>         |                                                                                                                                                                        |                    |                                                  |
| On or before December 1 | Prepare an annual accomplishment plan for construction and maintenance of roads and bridges and a priority plan for the next four years                                | Chapter Fourteen   | 69 O.S. § 601.3                                  |

**Table 7-1. Yearly Calendar of Activities  
for the Board of County Commissioners (Continued)**

| Calendar Date                     | Activity                                                                                                                                | Handbook Reference | Statute Reference |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------|
| Prior to December 15              | Notify in writing the County Clerk of the date, time, and place of every regularly scheduled meeting of the following calendar year     | Chapter Ten        | 25 O.S. § 311     |
| At the close of the calendar year | Prepare and file with ODOT and the County Clerk an annual project status report on the county's road construction and maintenance plans | Chapter Fourteen   | 69 O.S. § 624     |

## Chapter Eight

# Duties of the County Commissioner: Meetings

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Circuit Engineering District 7 board meeting.

This chapter explains the County Commissioners' responsibilities regarding meetings. The guidelines in this chapter must be followed for any official meeting held by any county board or group.

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## Meetings

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The Board of County Commissioners can call four different types of meetings:

25 O.S. § 304

- Regular sessions
- Continued or reconvened meetings
- Special meetings
- Executive sessions
- Emergency meetings

### ***Regular Sessions***

The Board of County Commissioners is required by Oklahoma Law to hold a regular session on or before the first Monday of each month to conduct county business. The Board must convene in the County Courthouse and remain in session as long as the public business requires within the month. Meetings are automatically adjourned at the end of each month.

19 O.S. § 326

The Board of County Commissioners may meet at times and in places within the county other than the county courthouse if it is determined that such meetings are beneficial to the general public.

19 O.S. § 326(B)

The Board of County Commissioners can recess or adjourn its meetings within the session, either from time to time, from day to day, or on call of the Chairman. If this Board does not adjourn its session for any month, the session terminates and is adjourned by law on the last business day of the month.

The Board can only vote or take action on items listed on the published agenda for the regular session.

25 O.S. § 304

### **Continued or Reconvened Meetings**

The Board can reconvene a regular session at a later date. If the meeting is to be continued or reconvened, the public body must provide, at the original meeting, the date, time, and place of the continued or reconvened meeting.



**Only matters that appear in the agenda of the continued or reconvened meeting can be discussed at that meeting.**

25 O.S. § 311



The County Clerk or designated Deputy must attend all sessions of the Board of County Commissioners, record all proceedings, and sign and attest to the record.

19 O.S. §§ 243, 244

### **Prior Notice of Meetings -Yearly**

By December 15 of each year, the Board of County Commissioners must give written notice to the County Clerk of the schedule of regular sessions for the following year. The notice must include the following information about the meetings:

25 O.S. § 311

- Date
- Time
- Place

If the Board wants to change any of the meeting information, they must notify the County Clerk ten days before the meeting is scheduled.

Figure 8-1 contains a sample meeting schedule form for relating information about regular sessions for the next year to the County Clerk.

### **Prior Notice Before Each Meeting**

All public bodies must also display public notice of a regularly scheduled meeting at least 24 hours prior to the meeting (excluding weekends and holidays). The notice must include the following information:

25 O.S. § 311

- Date
- Time
- Place
- Agenda

Posting a public notice does not mean that the public body cannot consider any new business at its meeting. New business is defined as matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda. The public notice must be posted in prominent public view for 24 hours at the public body's principal office or at the meeting's location,

25 O.S. § 311(A)(9)

if no office exists. [Figure 8-2](#) contains a sample form that a County Clerk could use for the public notice of meetings.

For another example of a notice and agenda, go to the Washington County Commissioner's website, <http://www.countycourthouse.org/commissioners/Default.aspx>, and click on "Weekly Agenda".

Any change in the date, time, or place of a regular session must be given not less than ten days prior to implementing that change.

### **Election of a Chairperson**

Board members must elect a chairperson during the first meeting in January of each year. The chairperson has the responsibility and authority to perform the following activities at the board meetings:

19 O.S. §§ 327, 328

- Ensure that all members are treated fairly and courteously
- Ensure that the majority rules, but that minority rights are protected
- Keep the discussion focused on the matter at hand and see that the order of business is followed
- Ensures that speakers are recognized in the proper order.
- Call to a point of order or refuse to recognize a member who is obstructing proceedings or sidetracking discussion
- Decide points of order called by a member
- Appoint committees

The chairperson is also allowed to make motions, second motions, participate in discussions, and vote.

20\_\_ CALENDAR YEAR  
SCHEDULE OF REGULAR MEETINGS\*

Name of County: \_\_\_\_\_

| DATE  | TIME  | PLACE OF MEETING |
|-------|-------|------------------|
| _____ | _____ | _____            |
| _____ | _____ | _____            |
| _____ | _____ | _____            |
| _____ | _____ | _____            |
| _____ | _____ | _____            |
| _____ | _____ | _____            |
| _____ | _____ | _____            |
| _____ | _____ | _____            |

Use extra paper if necessary. To be completed by person filing notice:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Filed in the office of the County Clerk at \_\_\_\_\_ a.m. /p.m. on \_\_\_\_\_

Must be filed prior to December 15, 20\_\_.

Signed (County Clerk) \_\_\_\_\_

**Figure 8-1. Sample Schedule of Regular Meetings Form**

## NOTICE OF MEETING

Name of County: \_\_\_\_\_

### TYPE OF MEETING

Regular Meeting\* ( )                      Rescheduled Regular Meeting\*\*\* ( )

Special Meeting\*\* ( )                      Continued or Reconvened Meeting ( )

Emergency Meeting ( )

DATE                      TIME                      PLACE OF MEETING

\_\_\_\_\_

To be completed by person filing notice:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Filed in the office of the County Clerk at \_\_\_\_\_ a.m. /p.m. on \_\_\_\_\_.

Signed (County Clerk \_\_\_\_\_

\* The notice and the agenda of the meeting are to be posted at the principal office of the public body or, if there is no principal office, at the location of the meeting at least 24 hours in advance of the meeting, excluding Saturdays and Sundays, and holidays.

\*\* The notice of the special meeting shall be given in writing, in person, or by telephone at least 48 hours before the meeting. The notice and the agenda of the special meeting are to be posted at the principal officer of the public body or, if there is no principal office, at the location of the meeting at least 24 hours in advance of the meeting, excluding Saturdays, Sundays, and holidays.

\*\*\* Notice of any change in the date, time, or place of a rescheduled regular meeting shall be given not less than 10 days prior to the implementation of such change.

**Figure 8-2. Sample Notice of Meetings Form**

## ***Special Meetings***

The Board of County Commissioners can call special meetings during adjournment of the regular session. Special meetings cannot be held without giving public notice at least 48 hours prior to the meetings. This notice must be provided to the County Clerk in writing, in person, or by telephone, and must follow statutory guidelines.

25 O.S. § 311

The County Clerk must also provide written notice of the date, time, and place of the special meeting to each person, newspaper, wire service, radio station, and television station that has filed a written request with the County Clerk for notice of meetings. These notices must be mailed or delivered at least 48 hours prior to the special meeting.

The County Clerk can charge a fee of up to \$18.00 per year to persons or entities filing a written request for notice of meetings, and can require them to renew the request for notice annually.

The County Clerk must also display a public notice of a special meeting at least 24 hours prior to the meeting (excluding weekends and holidays). This notice must be posted in a prominent place at the public body's office or at the meeting's location if no office exists, and must include the date, time, place, and agenda for the meeting. Only the matters that appear on the posted agenda can be considered at the special meeting.

The Board can reconvene a special meeting at a later date. At a continued or reconvened meeting, the Board can only discuss the items (including new business) that they listed on the agenda of the original special meeting.

## **Special Board of County Commissioners Meetings for Passing on Bills and Claims**

If the Board of County Commissioners has adjourned its regular session before the last day of the month, the County Clerk has the power to call a special session to consider bills and claims when the best interests of the county demand it. A five-day advance notice should be given by posting notices in three public places in the county, or by publication in a county newspaper. These notices must give the time and purpose of the meeting.

19 O.S. § 326  
19 O.S. § 326

## ***Executive Sessions***

An executive session is the only type of meeting that the Board of County Commissioners can call without admitting the public. The Board must list the executive session on the agenda of the regular session. Then, during the meeting, they must vote themselves into executive session.

25 O.S. § 307(E)

The Board can call an executive session only under the following conditions:

25 O.S. § 307(B)

- To discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, or negotiations concerning employees and representatives of employee groups.
- For confidential communications between a public body and its attorney concerning a pending investigation claim, or action of the public body, with the advice of its attorney, when disclosure would seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, and for discussion of the purchase or appraisal of real property.
- To discuss the purchase or appraisal of real property. This discussion must be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body. No landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property, which is under consideration, can be present or participate in the executive session.

25 O.S. § 307(D)

Any vote or action that results from an executive session must be taken in a public meeting and each member's vote must be publicly cast and recorded.

25 O.S. § 307(D)

No executive session by a public body can be held except by a majority vote of a quorum of the members present. That vote must be recorded.

25 O.S. § 307(D)

The Board must return to open session before voting on any of the topics they discussed in the executive session. The Board must readmit the public when they are ready to vote.

25 O.S. § 307B

## ***Minutes***

Minutes must be taken during an executive session, and they must be written minutes. The Board of County Commissioners will designate a person to take the minutes.

After the meeting, the minutes must be sealed and placed in the safe. They can only be opened by a court order.

### **Agenda Item for Executive Session**

The following is an example of an agenda item to appear on the regular meeting agenda for an executive session:

25 O.S. § 311(B)(12)

Discussion and possible action thereon regarding Smith v. (\_\_\_\_\_ County) and possible executive session. Authority: 25 O.S. 307 (B)(4).

### ***Emergency Meetings***

The Board can call an emergency meeting only when they cannot meet the deadline for public notice, and any delay would increase the likelihood of injury to person, damage to public or private property, or immediate financial loss. If the Board has reason to call an emergency meeting, they should attempt to contact the media and individuals who would be interested in the subject of the meeting.

25 O.S. § 304

The minutes of an emergency meeting must include the nature of the emergency, and the proceedings of the meeting must include the reasons for calling the emergency meeting.

25 O.S. § 312(B)

The Board can reconvene an emergency meeting at a later date. At a continued or reconvened meeting, the Board can only discuss the items they listed on the agenda of the original meeting.

25 O.S. § 311

### ***Agendas***

Because the Board must notify the public of meeting agendas 24 hours in advance, they must prepare for meetings ahead of time. This task becomes more manageable if the Board plans not only a monthly agenda, but a yearly calendar and agenda as well.

Information for the agenda can come from various sources:

25 O.S. § 311

- County officials inform the Board of necessary business to be considered.
- The County Clerk provides minutes from previous meetings.
- The County Clerk keeps the Board advised of business with other county boards and committees for which the County Clerk serves as secretary.

The Board writes the agenda for each meeting and includes specific matters to be presented and considered. Go to the Rogers County Commissioners website, <http://www.rogerscounty.org/Commissioners/index.htm>, and click on “Weekly Agenda” to see a sample Board of County Commissioner’s regular meeting agenda.

### County Clerk Record

The County Clerk must keep a record of all notices received. The record must be open to the public for inspection during regular office hours, and the contents of the record must be made available to any person upon request.

25 O.S. § 311(7)

### Notice of Meeting Changes

Written notice of any change in the date, time, or place of a regularly scheduled meeting of a public body must be given to the County Clerk no less than 10 days prior to implementing any change.

25 O.S. § 311(8)



**Failure to comply with this requirement of the Open Meeting Law is a misdemeanor.**

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## Understanding the Open Meeting Law

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The Board of County Commissioners must follow the rules and regulations set forth in Oklahoma’s Open Meeting Law. The Board must hold open-door meetings (except for executive sessions) and allow anyone to attend those meetings. The Board cannot ask a person to leave an open meeting unless that person is causing a disturbance or breach of order.

Please refer to the *Oklahoma Open Meeting & Open Records Book*, 15th Edition, published by [Oklahoma Press Service, Inc.](#), for additional information on open meetings.

In 1977, Oklahoma passed the Open Meeting Law, which prohibits the members of any public body (including county officers) from meeting informally to decide a course of action or vote on any

25 O.S. §§ 301–313



matter, even by telephone or other electronic means. All meetings must be held at specified times and places that are convenient to the public and all meetings must be open to the public.

25 O.S. § 314

The purpose of the Open Meeting Law is to encourage and facilitate an informed citizenry's understanding of the governmental processes and problems. Any violation of the Open Meeting Law is a misdemeanor, punishable by a fine or imprisonment, or both.

25 O.S. § 312.C

Any person who attends an open meeting can record the proceedings by videotape, audiotape, or any other method; providing, however, that the recording does not interfere with conducting the meeting.

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## Holding Open Meetings

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### *Recording Votes*

In all meetings of public bodies, each member's vote must be publicly cast and recorded.

25 O.S. § 305

### *Circumvention of Act*

No informal gatherings or any electronic or telephonic communications among a majority of the members of a public body can be used to decide any action or to take any vote on any matter.

25 O.S. § 306

### *Meeting Minutes*

The County Clerk must keep the proceedings of a public body in written form, which will be considered as an official summary of the proceedings. For an example of minutes from a Board of County Commissioner's regular meeting, go to the Rogers County Commissioner's website, <http://www.rogerscounty.org/Commissioners/index.htm>, and click on "Minutes Archive".

25 O.S. § 312

These minutes must clearly show all members present or absent, all matters considered, and all actions taken by the public body.

Each meeting's minutes must be open to public inspection and must follow the requirements of the Open Meeting Law, except for executive sessions.

In written minutes for an emergency meeting, the nature of the emergency and the proceedings that occurred at the meeting must be entered, including the reasons for declaring the emergency meeting.

## ***Penalties***

Any person who willfully violates any of the provisions of the Open Meeting Law is guilty of a misdemeanor and if convicted, can be punished by a fine up to \$500.00 or by imprisonment in the county jail for up to a year, or both.

25 O.S. § 314



**Any action that is taken that is in violation of the Open Meeting Law is invalid.**

25 O.S. § 313

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## **Conducting Orderly Meetings**

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### ***Parliamentary Procedure***

Good meetings alone do not automatically guarantee good government, but they can definitely encourage and promote efficient and responsible government. The decisions that affect the public interest are reached in duly constituted open meetings, and the best decisions come out of the fair and open discussion of interested, courteous, reasonable informed officials and individual citizens. The code of parliamentary conduct developed over the centuries is simply a way to avoid wasted time and confusion and to allow all sides of the issue to be heard. In short, rules of order insure that the democratic process is working. The County Commissioners should be well informed on the correct manner of conducting meetings.

The Oklahoma Attorney General allows individual public bodies, including counties to adopt less restrictive formats than Robert's Rules of Order for their meetings. County Commissioners should ensure that the format adopted for conducting their meetings is the best format for accomplishing their goals as a working board.

Good parliamentary procedures allow a group to accomplish their agenda in an efficient and fair manner and to maintain a smooth and orderly meeting.

Several examples parliamentary law can be found on the internet, and each Board of County Commissioners should adopt the rules of order that best suits their meetings.

## ***Powers and Duties of the Chairperson***

All members of a meeting interact to make the meeting work, but the chairperson is the person who is officially charged with the responsibility of conducting an orderly and efficient meeting. In addition to specific statutory duties, the chairperson of a board performs functions common to all presiding officers as listed under “[Election of a Chairperson](#)” earlier in this chapter.

The chairperson is not required to observe the restrictions ordinarily placed on presiding officers. The chairperson can make or second motions, participate in discussions, and vote. In these situations, however, the chairperson may prefer to temporarily relinquish the chair to another member.

## ***Order of Business***

When an organization has passed by-laws to establish rules and procedures, those by-laws supersede the practice of general parliamentary law. The specific procedure that the Board of County Commissioners follows to conduct business is not especially important as long as they follow that procedure consistently. [Figure 8-5](#) shows an example of a possible order of business from Robert’s Rules of Order, a book on parliamentary procedure.

## ***Agenda***

Everyone who attends a board meeting should have a copy of the agenda.

## ***Call to Order***

At the time scheduled for the Board to convene, the Chairman strikes a few sharp raps with the gavel and announces in a clearly audible voice, "The Board of County Commissioners will come to order."

## ***Roll Call***

The County Clerk or a Deputy Clerk usually calls the roll. A quorum--a majority of the Board (two members)--must be present for the Board to officially do business.

## Reading and Approving the Minutes

The County Clerk reads the minutes of the previous meeting, and the Board either approves them or amends them and then votes to accept them. The Clerk lists any corrections in the minutes of the meeting underway.

## Announcements

The following are some examples of announcements that might be given at a Board meeting:

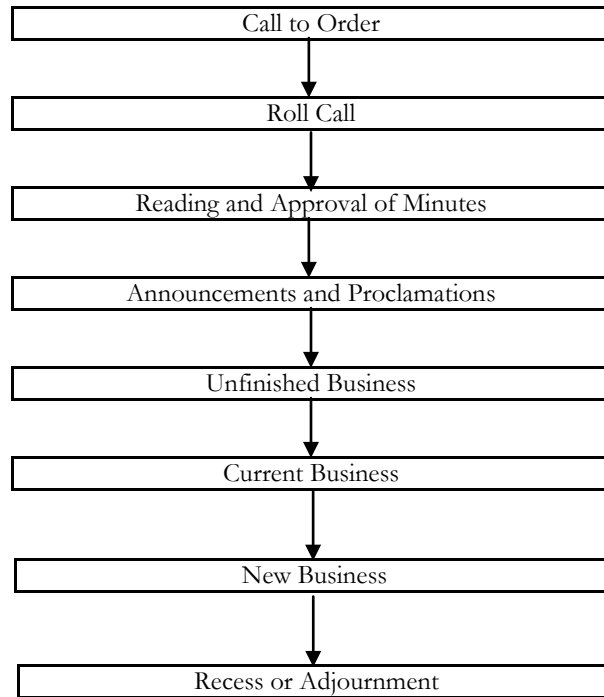
- The Clerk might announce meetings of boards, committees, or organizations that effect members of Board.
- The Board might honor an employee.
- Other county officials might announce communications or bulletins from other branches of government, for instance, the State Auditor and Inspector's Office or the State Retirement System.

## Considering Motions, Resolutions and Proclamations

A **resolution** is a main motion of such length or importance that it is presented in writing to an assembly. Although a resolution accomplishes essentially the same thing as an ordinary motion, its form and language indicate its greater formality, seriousness, and sense of determination. The fact that a resolution spells out the reasons for the action to be taken demonstrates the significance attached to it.

The Oklahoma Statutes often specifically require the Board of County Commissioners to take a certain action by resolution. A resolution consists of the following two main parts:

- The preamble - one or more clauses beginning “Whereas . . .” and explaining the need for the action(s).
- The resolution proper - one or more clauses beginning “Resolved, That . . .” or “Be it resolved, That . . .” and detailing the assembly’s intentions. The beginning phrases should be underlined as shown or italicized.



**Figure 8-5. Sample Order of Business**

Figure 8-6 contains a sample resolution that might be presented to and adopted by a Board of County Commissioners and shows the typical format and content.

Since a resolution is a main motion, it is introduced and considered according to the standard procedures governing motions, amendments, discussion, and voting. A member may present it by saying “I submit the following resolution and move its adoption.” Each “resolving” clause is considered separately. If one or more of the resolving clauses are passed, each clause in the preamble is considered individually. Everyone at a meeting should have a written copy of any resolution to be considered.

A **proclamation** is an official announcement that the board or its chairman issues an order to draw public attention to a civic activity, holiday, celebration, or other observance. This announcement indicates that the subject matter of the proclamation has been approved or sanctioned by county government.

Figure 8-7 contains a sample proclamation showing the typical format and content.

### **Unfinished Business**

Unfinished business includes any motions listed on the agenda that the Board tabled at the previous meeting or prior to recess.

### **New Business**

The Board can only discuss any new business (any unforeseen items or items that had not occurred at the time the regular meeting agenda was developed) brought up at the meeting. They cannot take any action except to have the business added to the next meeting’s agenda.

### **Reviewing and Approving Claims**

The statutes require a board to take up claims in the order in which they are filed and entered on the calendar in the County Clerk’s office.

### **Considering bids and contracts**

During this segment, the board might decide that bids should be advertised and then set a date and time for the public opening of bids.

A Resolution Proposing the Creation of a Planning Commission for the County of \_\_\_\_\_,  
Oklahoma. Whereas, the County of  
\_\_\_\_\_, the State of Oklahoma has experienced a population growth of fifty percent in the  
past decade and anticipates an additional increase of fifty percent in the next decade; and

Whereas, the problems of development and land use have grown in number and complexity; and

Whereas, no governing body exists to provide planning proposals and regulations for the unincorporated areas of the  
county; now, therefore,

Be It Resolved, That this Board of County Commissioners of \_\_\_\_\_ County, Oklahoma, considers the  
establishment of a County Planning Commission, in accordance with the procedures and regulations provided by  
Title 19, Sections 865.51 - 865.59, to be beneficial and necessary to the welfare of the citizens of  
\_\_\_\_\_ County; and further

Be It Resolved, That the question of establishing such a Planning Commission be submitted to a vote of the people of this  
county, in compliance with Title 19, Section 865.52 of the Oklahoma Statutes.

This resolution is hereby adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Board of County Commissioners

\_\_\_\_\_ Chairman

\_\_\_\_\_ Member

\_\_\_\_\_ Member

Attest \_\_\_\_\_ County Clerk

**Figure 8-6. Sample Resolution**

Now, therefore, we the Board of County Commissioners \* of \_\_\_\_\_ County, Oklahoma,  
do hereby proclaim \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

This proclamation is hereby adopted on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Board of County Commissioners

\_\_\_\_\_ Chairman

\_\_\_\_\_ Member

\_\_\_\_\_ Member

Attest \_\_\_\_\_ County Clerk

\* or "I, \_\_\_\_\_ Chairman of the Board of County  
Commissioners.

**Figure 8-7. Sample Proclamation**



### **Reports of county officials**

At this time, members of the board might report on particular projects in their districts or areas. Officers such as the County Clerk or the County Treasurer might present their monthly reports.

### **Citizens Presentations**

### **Recess or Adjournment**

To officially end a meeting and cease business, a Board member must move to adjourn, and the motion must receive majority consent. The Board must adjourn its monthly session by the close of the last working day of the month. But if the Board adjourns before then, it cannot reconvene in a regular meeting until the next scheduled regular meeting.

## Chapter Nine

# Duties of the County Commissioner: Notices and Publications

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Annette Reed, Custer County Commissioners' Executive Assistant, prepares information for publication in the newspaper.

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## Publishing Board of County Commissioners Proceedings

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The County Clerk, as secretary for the Board of County Commissioners, is responsible for compiling a full and complete report of the proceedings of the regular and special meetings of the Board of County Commissioners. The County Clerk must take these to the publisher of any newspaper(s) selected by the Board for publication no later than ten days after the proceedings were held.

19 O.S. § 444

19 O.S. § 445

19 O.S. § 446

25 O.S. § 106



Newspapers used for notices and publications must have general circulation in the county.

- Each publication should contain at least the following information:
- All motions made and voted upon, with the vote of each County Commissioner indicated
- All contracts awarded for services, equipment leasing, and capital outlay item sales
- A listing of claims that shows the claim or purchase order number, warrant number, payee, purpose, and amount of the claim
- A listing of all county employees and their salaries approved for payment (The Board of County Commissioners can omit the listing of all employees and their salaries approved for payment in the monthly publication of proceedings, but this information must be published at least once a year.)
- Blanket purchase orders can be deleted from publication. The recommendation is to include them in the Board of County Commissioner's minutes by stating: "Blanket purchase orders were approved as on file in the Office of the County Clerk."

25 O.S. § 305

## ***Annual Statement***

### **Statement**

The Board of County Commissioners must have a full and accurate statement of the assessments, receipts, and expenditures of the preceding year to be printed in at least one newspaper with general circulation in their county each year. The statement must be prepared by the first Monday of July.

19 O.S. § 345

### **Employees and Salaries**

The Board of County Commissioners must require the County Clerk to publish a complete report of annual gross salaries of county officers and employees each February, with information taken from W-2 forms for the preceding calendar year. Employees who were paid for less than twelve months must have an asterisk in front of their names.

19 O.S. §§ 444

19 O.S. §§ 445

25 O.S. § 106

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## **Publishing Bids**

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All purchases exceeding \$10,000.00 require a publication of bid.

19 O.S. § 1501 (A)(3(a))

All proposals to award public construction projects (exceeding \$50,000) must be publicized in the following manner:

61 O.S. § 102(6)

- A notice must be mailed, First Class, to all known prospective bidders who have indicated within the preceding twelve months their interest, in writing, on bidding on county projects. The notice should be mailed at least twenty days prior to the date set for opening bids.
- A notice must be published in a newspaper with general circulation in the county in two consecutive weekly issues. The first publication must be at least twenty days prior to the date set for opening bids.
- If the estimated cost of the project exceeds \$50,000, notice should be sent to trade or construction publications for their use and information.

19 O.S. § 1501 (A)(3)

61 O.S. § 104

61 O.S. § 104

Bid notices should contain the following information:

- A description of the proposed project in sufficient detail for a full understanding of the bidders' obligations or reference to bidding documents on file
- The name and address of the person from whom a complete set of bidding documents can be obtained and the deposit amount required
- The date, time, and location for the bid opening
- The name and address of the office that receives the sealed bids
- Any additional information deemed beneficial

Please refer to the *Purchasing Handbook for County Officers* published through the [County Training Program](#) for information on the County Purchasing Act, and to 19 O.S. §§ 1500-1507 and as supplemented.

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## Publishing County Budgets

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The Board of County Commissioners must file its financial statement and estimated needs with the County Clerk on or before August 17. The County Clerk must publish a notice one time in a county newspaper that states that this information is on file in the County Clerk's office.

68 O.S. § 3002

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## Publishing Notices

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The County Clerk is requested to publish notices of an extremely wide range of county activities and related programs. These are scattered throughout the statutes and many are infrequent.

[Table 9-1](#) is a general guide to these notices and their requirements.

## Payment for Publications

The Board of County Commissioners and the County Excise Board are required to ensure that sufficient monies are available in the county general fund to pay for publishing all necessary proceedings during the fiscal year.

19 O.S. § 444

**Table 9-1. Notice Identification and Publication Information**

|   | Subject and Citation                                                                                                                                                                                                                      | Statute Reference                    | Number of Publications                         | Where Published                                      | When Published                                                                              |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 1 | Notice of election of Fair Board Members.                                                                                                                                                                                                 | 2 O.S.<br>§ 15-54 (C)                | One                                            | LCN * or in three public places                      | At least one week prior to the election                                                     |
| 2 | Notice by County Clerk of special sessions of the Board of County Commissioners if the board has adjourned before the last business day of the month.                                                                                     | 19 O.S § 326                         | Posting in 3 public places, or one publication | LCN                                                  | At least five days prior to the meeting date: notice must give time and purpose of meeting. |
| 3 | Notice of hearing to vacate, alter, or relocate highway adjoining state-owned land.                                                                                                                                                       | 19 O.S.<br>§ 339(3)                  | One                                            | Some LCN in county or counties where road is located | At least 15 days prior to the hearing.                                                      |
| 4 | Notice of sale of any unused town lots or parcels of ground not needed for county jails or courthouse purposes.<br><br>The resolution authorizing the sale must be published with other proceedings of the Board of County Commissioners. | 19 O.S.<br>§ 342<br>19 O.S.<br>§ 343 | Two successive weekly issues                   | LCN                                                  | In two successive weekly issues                                                             |

\* LCN: Legal County Newspaper as defined by

25 O.S. § 106

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                                                                                                                                                                                                              | Statute Reference              | Number of Publications       | Where Published                                              | When Published                                                                                                                              |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 5  | Notice of public construction.                                                                                                                                                                                                                                                                                                    | 61 O.S. § 104                  | Two                          | LCN                                                          | 20 days prior to bid opening                                                                                                                |
| 6  | Designation by the Board of County Commissioners and the County Excise Board of holidays when county offices will be closed during the year.                                                                                                                                                                                      | 19 O.S. § 350                  | One                          | LCN                                                          | Between January 1 and 20 each year                                                                                                          |
| 7  | Submission at regular or special election question involving extraordinary expenditures, whether to construct courthouses or other public buildings, construct roads or bridges, or aid any enterprise designed for the county.<br><br>Notice must contain the time the question will be voted upon and the form of the question. | 19 O.S. § 383<br>19 O.S. § 731 | At least 4 weeks             | LCN                                                          | At least four weeks prior to the election                                                                                                   |
| 8  | Notice of sale of county tools, apparatus, machinery of equipment.                                                                                                                                                                                                                                                                | 19 O.S. § 421.1                | Two successive weekly issues | LCN                                                          | The Board of County Commissioners must meet to open the bids at the next regular meeting at least 15 full days after the first publication. |
| 10 | Notice of submitting tax levy to provide for construction or repair of courthouses, jails, or other county buildings.                                                                                                                                                                                                             | 19 O.S. § 731                  | At least one in each LCN     | At least two LCNs – unless only one LCN exists in the county | Not less than 30 days immediately prior to said election                                                                                    |

\* LCN: Legal County Newspaper as defined 25 O.S. § 106

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                                                                                                                                                                                       | Statute Reference              | Number of Publications        | Where Published                                                                             | When Published                                                                         |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 11 | Notice of advertisement for bids for erection of courthouses, jails, or other county buildings.                                                                                                                                                                                                            | 19 O.S. § 731<br>19 O.S. § 733 | At least one                  | LCN and other such newspapers in the state as the board deems advisable                     | First publication must be at least 30 days prior to date set for bid openings.         |
| 12 | Notice of election upon questions of issuing bonds for courthouses, jails, or other county buildings. The notice must include a statement by the Board of County Commissioners, the election date, the amount of bonds proposed to be issued, and whether the bonds are for a courthouse, a jail, or both. | 19 O.S. § 736                  | One                           | Two weekly LCNs published in the county seat – unless only one LCN exists                   | At least 30 days prior to the election                                                 |
| 13 | Notice by the County Treasurer that money is available to pay warrants against estimated proceeds of tax levy.                                                                                                                                                                                             | 19 O.S. § 740                  | One                           | LCN                                                                                         | As soon as possible                                                                    |
| 14 | Notice of bond election to purchase sites, construct or alter county hospitals.                                                                                                                                                                                                                            | 19 O.S. § 782                  | At least one in each LCN      | In two daily or weekly LCNs published at county seat unless only one daily or weekly exists | First publication must be at least 30 days prior to the date set for holding election. |
| 15 | Advertisement for bids for county hospital construction.                                                                                                                                                                                                                                                   | 19 O.S. § 788(a)               | Two consecutive weekly issues | LCN                                                                                         | Prior to letting any contract                                                          |



**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                                                                                                                                                                                                                                                                                  | Statute Reference | Number of Publications                                     | Where Published                                 | When Published                                                                                                                                         |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16 | Notice of existence and location of annual audit of financial books and records of county owned hospitals.                                                                                                                                                                                                                                                                                            | 19 O.S. § 794     | Two                                                        | LCN                                             | Immediately after the receipt by persons designated in the statutes – not later than 120 days after the fiscal year end                                |
| 17 | County Planning and Zoning - notice of adoption and amendment of plan.<br><br>Notice must include a time, place, and purpose of meeting and the location where copies of the plans can be acquired.                                                                                                                                                                                                   | 19 O.S. § 865.58  | One in each newspaper of general circulation in the county | All newspapers of general circulation in county | Prior to the hearing date                                                                                                                              |
| 18 | City-County Planning and Zoning – Counties with no cities larger than 200,000 population – notice of adoption or amendment of metropolitan comprehensive plan and hearing on termination of nonconforming use of amendment of repeal of zoning regulations.<br><br><i>(This is not strictly required by the statute but should be included anyway or the plan adopted may not be constitutional.)</i> | 19 O.S. § 866.1   | One                                                        | LCN                                             | At least 15 days prior to the hearing date<br><br><i>(The statutes do not indicate a period of notice; however, this is an appropriate guideline.)</i> |
| 19 | County Board of Adjustment – Notice of Hearing.                                                                                                                                                                                                                                                                                                                                                       | 19 O.S. § 866.22  | One                                                        | LCN                                             | At least 15 days prior to the hearing date                                                                                                             |

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                                                                                                                                                                                            | Statute Reference                   | Number of Publications                  | Where Published | When Published                                                   |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------|-----------------|------------------------------------------------------------------|
| 20 | Notice stating time, nature, and place of hearing before County Planning Commission.                                                                                                                                                                                                                            | 19 O.S. § 868.5                     | Once a week for three consecutive weeks | LCN             | Three weeks prior to the hearing date                            |
| 21 | Bond election for lease improvements. Notice to specify time of holding election, amount of bonds proposed to be issued and the purpose.                                                                                                                                                                        | 19 O.S. § 884                       | Once a week for two consecutive weeks   | LCN             | Two consecutive weeks prior to the election stated in the notice |
| 22 | Hearing on petition for formation of Fire Protection District.                                                                                                                                                                                                                                                  | 19 O.S. § 901.2                     | Two consecutive weeks                   | LCN             | Two consecutive weeks next preceding the hearing date            |
| 23 | Notice of election relative to formation of Fire Protection District.<br><br>Notice must require voters to cast ballots which contain the words, “Fire Protection District – Yes” and “Fire Protection District – No,” state the time and place of the election, and the boundaries and intent of the district. | 19 O.S. § 901.3                     | Two successive weeks                    | LCN             | Once a week for two successive weeks prior to the election date  |
| 24 | Publication of general regulations of Board of Directors of Fire Protection district.                                                                                                                                                                                                                           | 19 O.S. § 901.8<br>11 O.S. § 14-106 | One – in same manner as town ordinances | LCN             | After the board issues a general regulation                      |

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                          | Statute Reference   | Number of Publications                                                                                              | Where Published | When Published                                                           |
|----|-------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------|
| 25 | Bond election for purchase and construction work in Fire Protection District. | 19 O.S.<br>§ 901.15 | Three consecutive weeks and by posting notice in three public places                                                | LCN             | Once a week for three consecutive weeks next preceding the election date |
| 26 | Sale of bonds – Fire Protection District.                                     | 19 O.S.<br>§ 901.17 | At least 10 days if in daily – two weeks in weekly – or two times in daily provided they are published a week apart | LCN             | Before making any sale of bonds                                          |
| 27 | Annexation of additional territory in Fire Protection District.               | 19 O.S.<br>§ 901.22 | Two consecutive weeks                                                                                               | LCN             | Two consecutive weeks preceding the election date                        |

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                                                                                                                                 | Statute Reference                            | Number of Publications                     | Where Published | When Published                                                                                                                                                     |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 28 | Hearing on proposed budget for Fire Protection Districts.                                                                                                                                                                                            | 19 O.S.<br>§ 901.42                          | One                                        | LCN             | The Board must hold the hearing no later than 15 days prior to the beginning of the budget year. The notice must be published not less than 5 days before hearing. |
| 29 | Hearing on petition to create rural road improvement district.<br><br>Notice is to describe the proposed district, state time and place of hearing and state [any person may appear and protest the organization of the district and/or boundaries.] | 19 O.S.<br>§ 902.3<br><br>19 O.S.<br>§ 902.4 | One day per week for two consecutive weeks | LCN             | Hearing must be set not less than 20 days or more than 40 days after filing of valid petition.                                                                     |
| 30 | Notice of election for organization of rural road improvement district.                                                                                                                                                                              | 19 O.S.<br>§ 902.4                           | Two                                        | LCN             | One day per week for two consecutive weeks prior to election stated in notice                                                                                      |
| 31 | Bond election by rural road improvement district.                                                                                                                                                                                                    | 19 O.S.<br>§ 902.12                          | Three                                      | LCN             | Once per week for three consecutive weeks prior to election                                                                                                        |

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                 | Statute Reference                          | Number of Publications                                                                                                                            | Where Published | When Published                                                                                                                |
|----|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------|
| 32 | Sale of bonds for work under rural road improvement district                                                         | 19 O.S.<br>§ 902.14                        | Ten days in a daily newspaper, two [ weeks ] for weekly newspaper, or two times for daily newspaper if published two times with one week interval | LCN             | Prior to date of election specified in notice                                                                                 |
| 33 | Notice of hearing on petition for incorporation of Rural Ambulance Service District.<br>Notice contents per statute. | 19 O.S.<br>§ 1205.A<br>19 O.S.<br>§ 1205.B | Two                                                                                                                                               | LCN             | Two consecutive weeks in newspaper in each county containing any area embraced within the boundaries of the proposed district |
| 34 | Notice of hearing to annex additional area in Rural Ambulance Service District.                                      | 19 O.S. § 1205<br>19 O.S. § 1212           | Two                                                                                                                                               | LCN             | Two consecutive weeks in each county containing any area in existing district or area to be annexed                           |

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                        | Statute Reference                  | Number of Publications                                                                  | Where Published | When Published                                                                                |
|----|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------|
| 35 | Petition for consolidation of Rural Ambulance Service Districts.                                                                            | 19 O.S. § 1205<br>19 O.S. § 1221.F | Two                                                                                     | LCN             | Two consecutive weeks in each county containing any area in the district to be consolidated   |
| 36 | Resolution adopting and approving plans for road improvement district                                                                       | 19 O.S. § 1234.B                   | Six consecutive issues of a daily issue or two consecutive issues of a weekly newspaper | LCN             | After the Board of County Commissioners adopts resolution                                     |
| 37 | Hearing on report of the Board of County Commissioners on appraisement or apportionment of benefits made by the road improvements district. | 19 O.S. § 1242                     | Six consecutive issues of a daily issue or two consecutive issues of a weekly newspaper | LCN             | Final publication may not be less than 5 days or more than 10 days prior to the hearing date. |

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                       | Statute Reference                    | Number of Publications                                                    | Where Published | When Published                                                                                                                            |
|----|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 38 | Notice of installment due of assessment made for road improvement district.                                                                | 19 O.S. § 1250                       | Two successive issues of a daily issue or one issue of a weekly newspaper | LCN             | Publication must be made by County Clerk not less than 30 days or more than 40 days before the maturity of the installment due date.      |
| 39 | Notice of annexation to road improvement district                                                                                          | 19 O.S. § 1264                       | One                                                                       | LCN             | At least 10 days prior to the hearing date in the notice                                                                                  |
| 40 | Notice of election for issuance of water facility or reservoir general obligation bonds.<br>Notice content per statute.                    | 19 O.S. § 1276.B<br>19 O.S. § 1276.C | Once a week for two consecutive weeks                                     | LCN             | First publication must be at least 30 days prior to the election date.                                                                    |
| 41 | Notice of hearing of proposed county budget. Notice must contain date, time, and place of hearing together with proposed budget summaries. | 19 O.S. § 1412                       | One                                                                       | LCN             | Not less than 5 days before the hearing date: The hearing is to be held not later than 15 days prior to the beginning of the budget year. |
| 42 | County solicitation of bids from vendors for purchase, lease-purchase, or rental of supplies, materials, and equipment.                    | 19 O.S. § 1505                       | One                                                                       | LCN             | Notice is to be published at least 10 days prior to the date for bid openings.                                                            |

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                | Statute Reference                 | Number of Publications                        | Where Published                                                   | When Published                                                                                                                                                |
|----|-------------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 43 | Hearing on proposed budget of emergency medical service district.                   | 19 O.S. § 1714                    | One                                           | LCN                                                               | The hearing must be set no later than 15 days prior to the beginning of the budget year and publication must be not less than 5 days before the hearing date. |
| 44 | Public trusts – sale of bonds.                                                      | 60 O.S. § 176(F)                  | At least once a week for two successive weeks | LCN in county where principal office of the trust is located.     | Two successive weeks prior to the date bids are received and opened                                                                                           |
| 45 | Public trusts – award of contracts for construction, labor, and/or equipment.       | 60 O.S. § 176(H)<br>19 O.S. § 176 | At least once a week for two successive weeks | LCN in the county where the major part of the work is to be done. | Two successive weeks prior to the date bids are received and opened                                                                                           |
| 46 | Warranty – Treasurer publishes notice of moneys on hand to pay registered warrants. | 62 O.S. § 475                     | One                                           | Newspaper<br>(Not specified)*                                     | Interest must cease on warrants 30 days after publication.                                                                                                    |

\* Or by posting 5 times in public places



**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                                                                                                                                                                | Statute Reference              | Number of Publications                                          | Where Published                                                                          | When Published                                                                                                                                              |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 47 | Publication of financial statements and itemized statements of estimated needs and probable income from sources including ad valorem tax for current fiscal year of the Board of County Commissioners, city and town governing bodies, and boards of education of school districts. | 68 O.S. § 3002                 | One                                                             | LCN in such political subdivision; if no such newspaper, then LCN of general circulation | Counties on or before August 17; incorporated towns by August 22; cities by August 27; and school districts by September 1 – or within 5 days after filing. |
| 48 | Notice to present claims of indebtedness against county.                                                                                                                                                                                                                            | 62 O.S. § 310.4                | Two successive issues of a daily or one issue of a weekly paper | LCN                                                                                      | Anytime during July                                                                                                                                         |
| 49 | Notice of transfer of funds from the county sinking fund to the county general fund.                                                                                                                                                                                                | 62 O.S. § 445<br>62 O.S. § 447 | Once                                                            | **                                                                                       | Prior to intent to transfer                                                                                                                                 |
| 50 | Publication of all revisions of increase or additional items over that submitted in Board of County Commissioners' estimate of needs.                                                                                                                                               | 68 O.S. § 3007                 | Two successive issues of a daily or one issue of a weekly       | LCN                                                                                      | As soon as possible                                                                                                                                         |

\*\* In municipality or in such county if there is not newspaper published in the city, town, or school district.

**Table 9-1. Notice Identification and Publication Information (Continued)**

|    | Subject and Citation                                                                                                                | Statute Reference | Number of Publications | Where Published | When Published                                          |
|----|-------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------|-----------------|---------------------------------------------------------|
| 51 | Notice of hearing at which any taxpayer may be heard for or against any part of the estimate of needs for expenses of current year. | 68 O.S.<br>§ 3013 | One                    | LCN             | Prior to hearing date                                   |
| 52 | Notice of request for supplemental appropriations to a budget.                                                                      | 68 O.S.<br>§ 3021 | One                    | LCN             | At least 3 days prior to meeting of County Excise Board |
| 53 | Notice that budgets and levies are on file in the office of the County Clerk.                                                       | 68 O.S.<br>§ 3022 | One                    | LCN             | As soon as possible                                     |

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## Chapter Ten

# Duties of the County Commissioner: County Administration

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Steve Carter, Sequoyah County Commissioner, District 2 (front row left) and Cindy Bobbitt, Grant County Commissioner, District 2 (second row, second from left), study with other county officers and deputies in a Supervisory Skills class.

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## Administrative Duties

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The County Commissioners serve on the Board of County Commissioners and act as the principal administrators of the county.

The following tasks are some of their primary duties:

- Developing personnel policies, designating holidays, and approving salaries for county employees
- Approving payment of the county payroll and travel expenses
- Purchasing surety bonds (blanket bonds) to cover all county officers and employees
- Approving purchases of supplies, equipment, and services for the county

### *County Offices, Locations, and Hours*

#### **Providing Office Space**

The Board of County Commissioners must provide office space, record storage, and supplies at the county seat for all county offices.

19 O.S. § 401, 447

#### **Court Locations in Other Cities**

In any city other than the county seat, within the county, which has been designated as a court or court division city, the Board of County Commissioners may provide suitable and adequate courtroom and office space for the judges of the district court and attendants, for the court clerk and staff, and for a branch of the county law library to be furnished by the county in a suitable building in such city.

20 O.S. § 1202

19 O.S. § 401.1

The board of county commissioners shall also furnish electricity, water, other utilities, toilet facilities and janitorial service, suitable and sufficient for the transaction of court business in such facilities.

### **District Attorney**

The Board of County Commissioners of each county in each district attorney's district shall provide the following for the office of district attorney:

19 O.S. § 215.36

- Sufficient office space in the county courthouse, and the costs of utility services for power, lighting, heat, cooling, appropriate janitorial service, and costs of maintenance, upkeep, and repair of such space for the personnel and programs of the office of the district attorney
- A sufficient law library and subscriptions to legal publications necessary for the performance of the duties of the district attorney, which remains an asset and property of the county
- Sufficient funds for the costs and necessary expenses of investigation, prosecution or defense of any action, whether contemplated or actual, wherein the county officers, county appointees or employees, while acting in their official capacity, may be party plaintiffs, defendants, or interveners

### **Purchasing Agent**

The Board of County Commissioners must approve the acquisition, at the expense of the county, of adequate office space authorized for the County Purchasing Agent.

19 O.S. § 1500(D)

### **Election Board**

The County Commissioners of each county shall furnish, at county expense, in each county seat, a suitable office for the county election board. This office shall provide adequate space for storage of election records and supplies, voting devices, and ballot boxes and adequate space for the exercise of other functions required by law of the county election board. The office shall be equipped with suitable furniture and office equipment and a telephone. The office shall be convenient to the public, shall have furniture, furnishings and fixtures and other equipment comparable to other county offices within the county and necessary to the operation of the office.

26 O.S. § 2-121

### **Establishing Additional Offices**

A county commissioner can establish additional offices at any location within the county.

19 O.S. § 133

## Hours

All county offices should be open during the same hours as determined by mutual agreement among the county officials. Office hours must be posted in a prominent place easily seen by the public.

19 O.S. § 136



**An Attorney General's opinion made in 1983 states that while elected county officials must make their records available to the public on weekday mornings and afternoons for approximately eight hours, those officials are not required by statute to maintain office hours for eight hours. It also states that employees of an elected county officer are not required by statute to work an eight-hour workday.**

AG Opinion 83-219

60 O.S. § 178

## Holidays

County employees observe all holidays prescribed by Oklahoma State law plus all holidays designated by their county government. The Board of County Commissioners and the County Excise Board must designate and publish, between January 1 and January 20 of each year, those holidays on which county offices will close.

25 O.S. §§ 82.1, 82.2

19 O.S. § 350

The following are the holidays designated by Oklahoma State law:

25 O.S. § 82.1

- Each Saturday and Sunday
- New Year's Day on the 1st day of January
- Martin Luther King, Jr.'s Birthday on the third Monday in January
- Presidents' Day on the third Monday in February
- Memorial Day on the last Monday in May
- Independence Day on the 4th day of July
- Labor Day on the first Monday in September
- Veterans' Day on the 11th day of November
- Thanksgiving Day on the fourth Thursday in November and the day after Thanksgiving Day

- Christmas on the 25th day of December and the day before or after Christmas if Christmas is not on a Saturday or Sunday, the Thursday and Friday before Christmas if Christmas is on a Saturday, or the Monday and Tuesday after Christmas, if Christmas is on a Sunday
- If any holidays other than Christmas fall on Saturday, the preceding Friday is a holiday and if any of the holidays other than Christmas fall on Sunday, the succeeding Monday is a holiday.

## ***Personnel Policies***

The Board of County Commissioners establishes personnel policies for all county employees with the approval of all county elected officers.

19 O.S. § 339(A.9)

Adopting personnel policies can help avoid liability issues and potentially reduce liability insurance premiums.

## **Salaries**

The Board of County Commissioners has the authority to recommend the total amount of funds that can be used (from the county general fund) for the combined salaries in each of the county offices. The County Excise Board is responsible for reviewing and approving these recommendations. County officers' payroll budgets cannot exceed these approved funds.

19 O.S. § 180.65(E)

The Board of County Commissioners and the County Excise Board must ensure that these funds are appropriated and paid.

19 O.S. § 180.79

Chapter Three in this handbook, [The County Budget Process](#), contains detailed information on County Excise Boards and County Budget Boards.

The statutes dictate guidelines for computing wages and salaries for elected officials. County officers' salaries are based upon the assessed valuation and population of the counties. The maximum salaries for deputies and other county employees are to be no greater than the county's elected officials' salaries.

19 O.S. § 180.62  
19 O.S. § 180.65(C)  
19 O.S. § 180.73

Salaries must be paid either monthly or twice a month as ordered by the Board of County Commissioners.

Changes in salary must take place on and after the 1st day of July of each fiscal year.



Salary calculations begin with a base salary to which supplements may be added as shown in Figures 10-1 and 10-2.

Figure 10-1 shows a calculation for the maximum permissible salary for officers in counties that have not approved exemption of household personal property and livestock from ad valorem taxation.

Figure 10-2 shows a calculation for the maximum permissible salary for officers in counties that have approved ad valorem tax exemption of household personal property and livestock. Salaries are calculated based on the county's service-ability, which the statutes define as the total amount of revenue authorized to be collected from the millage rate levied against the taxable valuation of property within the county, and the population (service-load).

19 O.S. § 180.74  
19 O.S. § 180.75

19 O.S. § 180.58~180.68)  
19 O.S. § 180.82(B)

19 O.S. §§ 180.58, 180.59, 180, 60,  
180.61, 180.62(A)(1)(5)

19 O.S. §§ 180.71, 180. 72,  
180.73, 180.74,180.75

Please refer to the generic personnel policies on the [Association of County Commissioners of Oklahoma](#) website for sample personnel guidelines.

## Fair Labor Standards Act

All counties must comply with the Fair Labors Standards Act, which is a federal law that mandates a minimum wage and maximum hours (the number of hours an employee can work before receiving overtime pay) for all employees in the United States.

**Basic Annual Salaries for counties that have not voted to exempt household personal property and livestock from ad valorem taxation**

| <u>Net Valuation</u>        | <u>County Officers</u>               |
|-----------------------------|--------------------------------------|
| \$0 – 40,000,000            | \$19,000 minimum to \$39,000 maximum |
| \$40,000,000 – 80,000,000   | \$22,500 minimum to \$42,500 maximum |
| \$80,000,000 – 300,000,000  | \$24,500 minimum to \$44,500 maximum |
| \$300,000,000 – 600,000,000 | \$22,500 minimum to \$42,500 maximum |
| More than \$600,000,000     | \$19,000 minimum to \$39,000 maximum |

**May Increase: (Supplement) Basic Salary**

Net Valuation (Assessed value after removing all exemptions)

|                           |                                             |
|---------------------------|---------------------------------------------|
| \$0 - 75 million          | \$100 x each \$1,000,000 or major fraction* |
| \$75 - 500 million        | \$100 x each \$5,000,000 or major fraction  |
| \$500 million - 2 billion | \$125 x each \$7,000,000 or major fraction  |
| Over \$2 billion          | \$125 x each \$20,000,000 or major fraction |

**Shall Increase: (Supplement) Basic Salary**

Population (Per most recent census)

|                  |                                                    |
|------------------|----------------------------------------------------|
| 0 - 75,000       | \$12.50 x each 1,000 population or major fraction  |
| 75,000 - 150,000 | \$12.50 x each 5,000 population or major fraction  |
| Over 150,000     | \$12.50 x each 10,000 population or major fraction |

(The population amount is from the most recent Federal Decennial Census)

19 O.S. § 180.60

*\*Major fraction is any amount greater than 1/2.*

19 O.S. § 180.64F

No increases are made to basic salaries if the assessment ratio is below 9%.

19 O.S. § 180.76

**Figure 10-1. Sample Salary Calculation for County Officers  
in Counties Not Exempting Household Personal and Livestock**

**Example:**

County Commissioner in a county of 202,000 population and valuation of \$88,000,000

Basic Salary = \$24,500 to \$44,500

Supplement for Valuation:

0 - \$75 million:  $75,000,000 \div 1,000,000 = 75$ ;  $\$100 \times 75 = \$7,500.00$

Over \$75 million:  $(88,000,000 - 75,000,000) \div 5,000,000 = 2.6$  (round to 3);  $\$100 \times 3 = \$300.00$

Supplement for population:

0 - 75,000 population:  $75,000 \div 1,000 = 75$ ;  $\$12.50 \times 75 = \$937.50$

75,000-150,000 population:  $(150,000 - 75,000) \div 5,000 = 15$ ;  
 $\$12.50 \times 15 = \$187.50$

Over 150,000 population;  $(202,000 - 150,000) \div 10,000 = 5.2$  (round to 5);  
 $\$12.50 \times 5 = \$62.50$

Maximum Permissible Salary: \$33,487.50 to \$53,487.50

**Figure 10-1 (Continued). Sample Salary Calculation for County Officers  
in Counties Not Exempting Household Personal and Livestock**

**Basic Annual Salaries for that have voted to exempt household personal property and livestock from ad valorem taxation:**

| Service-Ability          | County Officers                      |
|--------------------------|--------------------------------------|
| \$0 - 400,000            | \$19,000 minimum to \$39,000 maximum |
| \$400,000 - 800,000      | \$22,500 minimum to \$42,500 maximum |
| \$800,000 - 3,000,000    | \$24,500 minimum to \$44,500 maximum |
| \$3,000,000 - 10,000,000 | \$22,500 minimum to \$42,500 maximum |
| More than \$10,000,000   | \$19,000 minimum to \$39,000 maximum |

**May Increase Basic Salary**

Service-Ability (Revenue levied for county purposes, Taxable Value x Mill Rate)

|                          |                                          |
|--------------------------|------------------------------------------|
| \$0 - 750,000            | \$100 x each \$10,000 or major fraction* |
| \$750,000 - 5,000,000    | \$100 x each \$50,000 or major fraction  |
| \$5,000,000 - 20,000,000 | \$125 x each \$70,000 or major fraction  |
| Over \$20,000,000        | \$125 x each \$200,000 or major fraction |

**Shall increase Basic Salary Based on Population**

Service Load (Population)

|                  |                                                    |
|------------------|----------------------------------------------------|
| 0 - 75,000       | \$12.50 x each 1,000 population or major fraction  |
| 75,000 - 150,000 | \$12.50 x each 5,000 population or major fraction  |
| Over 150,000     | \$12.50 x each 10,000 population or major fraction |

*\*Major fraction is any amount greater than 1/2.*

19 O.S. § 180.64(F)

**Figure 10-2. Sample Salary Calculation for County Officers  
in Counties Exempting Household Personal and Livestock**

**Example:**

County Commissioner in a county with a service load (population) of 202,000 and service-ability of 880,000

Basic Salary = \$24,500 to \$44,500

Service-Ability Factor:

\$0 – 750,000:  $(750,000 \div 10,000) \times \$100$ ;  $75 \times \$100 = \$7,500.00$

Over \$750,000:  $\$880,000 - 750,000 \div 50,000 = 2.6$  (round to 3);  $3 \times \$100 = \$300.00$

Service Load:

0-75,000 population:  $75,000 \div 1,000 = 75$ ;  $\$12.50 \times 75 = \$937.50$

75,000-150,000 population:  $(\$150,000 - 75,000) \div 5,000 = 15$ ;  $\$12.50 \times 15 = \$187.50$

Over 150,000 population:  $(202,000 - 150,000) \div 10,000 = 5.2$  (round to 5);  $\$12.50 \times 5 = \$62.50$

Maximum Permissible Salary: \$33,487.50 to \$53,487.50



A salary calculation spreadsheet that automatically makes these calculations is available at <http://agecon.okstate.edu/ctp/resources.asp>.

**Figure 10-2 (Continued). Sample Salary Calculation for County Officers in Counties Exempting Household Personal and Livestock**

## Benefits

Counties have the following two choices in providing their employees with retirement plans:

- Oklahoma Public Employees Retirement System

County personnel are covered under the Oklahoma Public Employees Retirement System (OPERS). Any county qualifies as a participating employer if its employees are covered by Social Security and are not eligible for another retirement system. In qualifying counties, employees become eligible for OPERS on the first day of the month that immediately follows their employment, if they meet the following requirements:

- \* Their positions are not seasonal or temporary.
- \* Their positions require at least 1000 hours of work per year.
- \* Their salaries or wages are at least the minimum wage for their positions.

This retirement system offers its members normal retirement benefits, total disability benefits, credit for military service and other options, such as early retirement.

For complete details regarding OPERS, refer to the [Oklahoma Public Employees Retirement System Handbook](#).

- County Employees' Retirement System

In counties with populations of 300,000 or more, the Board of County Commissioners can make a resolution to use the County Employees' Retirement System. This system requires a joint contribution from the county and its employees.

19 O.S. §§951, 957

## Travel Expenses

County officers and deputies are entitled to reimbursement for certain travel expenses incurred when performing official duties. Expenses must be submitted to the Board of County Commissioners on sworn, itemized claims.

19 O.S. § 163

In lieu of reimbursement for traveling expenses within their county, officers can receive monthly travel allowances. The County Commissioner and County Sheriff can each receive a monthly allowance of \$600.00. The County Assessor can receive a monthly allowance of \$500.00 and the County Clerk, Court Clerk, and County Treasurer can each receive a monthly allowance of \$400.00. These travel allowances are taxed as income.

19 O.S. § 165

Failure of a county officer to attend any school, conference, or meeting unless excused prior to the meeting shall cause the officer to forfeit the right to the monthly travel allowance for the month that the school, conference, or meeting is held.

19 O.S. § 166

Attendance is not mandatory at any meeting, school, institute, or conference sponsored or held by anyone other than a state officer or agency head. However, if appropriated travel funds are available for travel to such functions, either within or outside the state (but outside the county), travel expense reimbursement in addition to the monthly travel allowance is allowed.

### ***Safety Incentive Awards***

County Commissioners may provide incentive awards for safety related job performance. No employee can be recognized more than once every calendar year, and the award must not exceed the value of \$250.00.

19 O.S. § 339 (A.10)

No county officers are eligible for safety incentive awards.

### ***Loyalty Oaths and Oaths of Office***

After each election, the Board of County Commissioners must ensure that all new county officers sign and affirm an oath or affirmation and sign a loyalty oath. Copies of these oaths are in [Chapter Six, Office of the County Commissioner](#).

Oklahoma Constitution  
Article 15 § 1

### ***The Blanket Bond***

The board of county commissioners of each county is hereby directed to purchase from the lowest bidder a surety contract or contracts in the form known as a "blanket bond" to cover all county officers, appointive officers, employees and reserve force deputy sheriffs in the manner hereinafter provided. No other bond shall be acceptable as surety for any elected or appointed officer or employee of this state in lieu of the blanket bond provided for herein unless the blanket bond is

51 O.S. §§ 36.2A, 36.3

provided for as a specified item in an all risk insurance policy purchased by the county. For purposes of this act, a "blanket bond" is defined as a public employees' blanket position bond which covers all employees up to the penalty of the bond for each employee and the full penalty of the bond is always in force during its term and no restoration is necessary and there is no additional premium after a loss is paid. The district attorney shall bring an action on the blanket bond to recover any loss by the county which is covered by the bond.

This bond is like an insurance policy that protects the county from any misconduct or wrongdoing while the officers or any employees are performing their duties. A copy of this bond should be kept on file in the County Clerk's office.

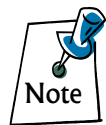
19 O.S. § 167

The law does not specify a minimum amount for the blanket bond, but a memo from the District Attorney's Training Coordinating Council July 2, 1979 suggests that "The bond for all county employees should be set at approximately \$2,500. The Board or any officer can request an additional bond if the financial responsibilities exceed the present bond coverage. The county is responsible for appropriating the funds for this additional bond.

19 O.S. § 622

The statutes require a higher bond of at least \$50,000 for County Treasurers.

19 O.S. § 622



**The Board of County Commissioners should check the county's property and casualty coverage to determine if bonds are included as part of the policy.**

## ***The County Seal***

The Board of County Commissioners must obtain and keep a seal to be used as the official seal of the county.



**The official county seal is kept by the County Clerk for use on official county business that requires sealing.**



The County Clerk cannot use any other seal in conducting the official business of the county. The impression of the seal is considered sufficient for any transaction that requires sealing. The county can elect to use either a manual stamp or an electric seal.

No mandates specify which documents must be sealed. The general practice is to place the seal on any document filed with the County Clerk. A document is not really considered official unless it bears the official seal. The use of the seal by the County Clerk was originally intended to attest or witness a signature.

No mandates dictate the wording on the seal. While designs and logos are arbitrary, the official seal's wording reflects the State of Oklahoma and should include the name of the county and the words "County Clerk."

19 O.S. § 325

Since the County Clerk's office has been expanded to include Register of Deeds' functions, the County Clerk's seal satisfies the requirement for a Register of Deeds seal.

### ***Signature List for Secretary of State***

Upon assuming office, The County Commissioner must sign the signature list for elected officials provided by the County Clerk. The County Clerk notarizes and certifies the list and files it with the Secretary of State.

19 O.S. § 257

If the County Commissioner or any other county officer uses some method of reproducing the signature such as a stamp, engraving, or imprinting, a facsimile must be filed with the Secretary of State along with the manual signature.

62 O.S. §§ 601, 602,  
603, 604, 605, 606

## Chapter Eleven

# Duties of the County Commissioner: Sinking Funds-County Bond Issues and Judgments

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Ottawa County, Circuit Engineering  
District 1

This chapter contains information about sinking funds for county bond issues and judgments, and discusses the duties and responsibilities of the Board of County Commissioners and other county officers regarding bond issues and judgments.

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## Creating Sinking Funds

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Either before or at the time a county incurs any debt that requires voter approval, the county must create a sinking fund to repay the principal within 25 years from the time the debt is incurred and to pay accruing interest, usually twice a year.

Counties must levy sufficient additional taxes to create a sinking fund to be used in the following manner:

1. To pay the interest coupons (payments) as they fall due
2. To pay the bond principal as it falls due
3. To pay any judgments that might be required

Oklahoma Constitution  
Article 10 §26

Oklahoma Constitution  
Article 10 §28

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## Issuing County Bonds

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Bonds issued by state or local governments (including counties) or other public entities at the state or local level are called Municipal Bonds.

When a county or other public entity issues a Municipal Bond, the bond is purchased by an individual or an institution such as a bank, a charitable foundation, a college, an insurance company, or a pension fund. By purchasing the bond, the purchaser is loaning money to the issuer for some specific purpose. The bond issuer promises to repay the loan on a specified future date and to pay the purchaser a guaranteed rate of interest until the loan is repaid. Interest on the loan is paid once or twice each year depending on how the bond is structured.

### ***County Commissioners' Role in Municipal Bond Issues***

The Board of County Commissioners is considered the bond issuer of any county bonds. As such, the Board is authorized to establish and maintain a system of registration as outlined in the statutes. Refer to “[Registering Bonds: Registration Systems Creation and Management](#)” in this chapter.

62 O.S. § 584

Any bonds issued by the county must be signed by the chairman of the Board of County Commissioners and authenticated by the County Clerk, under the county seal.

Likewise, any bonds issued by a County Trust Authority have similar requirements, per that trust's indenture and applicable legal requirements.

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## Understanding Municipal Bonds

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Municipal bonds (nicknamed munis) are bonds issued by states, cities, counties, and various districts to raise money to finance operations or to pay for projects. The projects they finance include hospitals, schools, power plants, office buildings, and airports. Municipalities levy taxes as their first source of revenue. When they need more money, they may turn to issuing bonds as a way to raise extra money.

62 O.S. § 351

The majority of municipal bonds are purchased initially by an underwriter who then offers them to investors. These bonds are usually issued in \$5,000 face-value denominations or multiples of \$5,000. They mature in anywhere from one to 25 years, 25 years being the limit in Oklahoma.

The interest earned by municipal bonds is not subject to federal taxes.

### ***Bond Issue***

Municipal bonds are usually issued with the assistance of an investment banker, or underwriter, who agrees to buy the municipal bonds and possibly resell them to the public. If a bond issue is relatively small, a single investment banker may float the issue. For larger bond issues, a number of investment bankers may form a syndicate or underwriting group, which disbands after the bonds have been sold.

Usually, underwriters make competitive bids to the county to underwrite a bid issue, and the underwriter who enables the county to pay the lowest rate of interest wins the bid, assuming that the other costs are equal among bidders.

Other costs of issuing bonds can sometimes be significant and include underwriting fees, bond insurance, bond attorney fees, and other expenses.

Another consideration for counties during this process is to examine these overall costs incurred in each bond issue. Researching similar bond issues may help a county or trust to incur only a reasonable level of costs per issue.

## Indentures

The details of a bond purchase agreement are summarized on the actual bond and explained on an indenture or transcript of proceedings. Each bond contains the following information:

- Serial number
- Principal amount
- Date on which principal amount is to be repaid
- Interest rate
- Issuer's name

## Bond Issue Amounts

Bonds are ordinarily issued in denominations of \$5,000. The bond amount is the bond's principal amount, or face value, which will be repaid to the bondholder when the bond expires or matures.



**Oklahoma law requires the Board of County Commissioners to sell bonds issued by a vote of the people for no less than 99% of their face value.**

62 O.S. § 351

## Maximum Interest Rates on Bonds

Bonds or other obligations of any type or character authorized and issued by counties, municipalities, and school districts may bear interest at a rate not to exceed ten percent per annum, payable not more often than semiannually, without regard to the limitations in any other law, general or special, except the Constitution of Oklahoma.

62 O.S. § 498.1

## **Specific Purpose for Debt**

All laws that authorize any state, county, or other political entity to borrow money must specify the purpose for which the money will be used. The money cannot be borrowed for any other purposes except the one specified.

Oklahoma Constitution  
Article 10 §16

## **County Debt Limit**

No county can incur any debt, in any manner, for any purpose, for an aggregate amount that exceeds five percent of the taxable valuation of the county. All debts must be approved by a 3/5 vote (60%) of the county voters at an election held specifically for that purpose.

Oklahoma Constitution  
Article 10 §26

## ***Certificate of Legal Compliance***

### **County**

No bond of any county is valid unless both the County Clerk and the County (District) Attorney certify that the bond is issued according to the law and within the county's debt limit.

Oklahoma Constitution  
Article 10 §29

### **State**

No bond of any county is valid without the certificate of the state Bond Commissioner. In Oklahoma, the Attorney General is by statute the ex officio Bond Commissioner of the State of Oklahoma.

62 O.S. § 13  
62 O.S. § 14

No county can issue any obligations unless those obligations have been approved by the Executive Bond Oversight Commission and the Legislative Bond Oversight Commission. Counties may request advice and assistance from the Oklahoma State Bond Advisor (hired by the State Council on Bond Oversight) regarding issuing obligations. This advisor may charge reasonable fees for this service.

62 O.S. § 695.9  
62 O.S. § 695.7

## ***Payments for Advisors and Other Expenses***

All expenses associated with developing a bond issue, such as fees to a bond attorney, financial advisor, bond printer, or other consultants, can legally be paid from the bond issue proceeds.

62 O.S. §§ 359, 589

When bonds are issued, the proceeds are allocated not only to the expenses of the issue, but also to such things as a “debt service reserve fund,” “construction contingency,” and/or “bond insurance premium.” A bond insurance premium is to insure repayment of the bonds just like mortgage insurance is often required on a house loan. A debt service reserve fund has a similar purpose. It is a portion of the bond issue proceeds that is set aside and held by the paying agent (such as a bank trust department) to make a debt payment or two in the event the local government entity fails to provide the money for the payment. In summary, costs and reserve requirements may be significant. Bond consultants can provide these figures.

Since the fiscal agent will continue in service to the county for the life of the bonds, a sinking fund levy that is made to service the bonded indebtedness can provide for fiscal agent fees.

## ***Bond Terms***

### **Serial Bonds**

In some instances, the county is legally required to issue serial bonds. Revenues that the county has dedicated to bond redemption are placed into a sinking fund. Under the serial redemption arrangement, the county is committed to redeem a certain portion of the bond issue each year until the entire issue is retired. A portion of the bonds are issued with short-term maturities, and subsequent portions of the bond issue mature in the following years.

The serial bond approach enables the cost of a public improvement to be shared among its present and future beneficiaries. Also, the overall cost of breaking an issue into short-term, medium-term, and long-term bonds is usually less to the county. Furthermore, investors are attracted to issues, which allow for spreading an investment over several maturities so that they can get some of their principal back each year or every few years.

### **Registered Bonds**

In some cases, the law stipulates that the county issue registered bonds, while in other cases bearer bonds are stipulated.

- Registered bonds involve maintaining books in which the names and addresses of the bond owners are registered. Interest payments are mailed to the owners usually every six months.



The Federal Tax Code was amended in 1983 to require that bonds must be registered in order to retain their tax-exempt status. Consequently, the Oklahoma Statutes were amended to provide the legal basis for registration of bonds.

62 O.S. § 583

## Coupon Bonds

Whenever the terms coupon bond or coupon bonds appear in any statute, these terms mean any bond, note, or other evidence of debt of any public entity, department, public trust, or agency, regardless of whether these instruments are in coupon, registered, or other form. The use of the word coupon does not limit the form of instruments that these entities are authorized to issue. The terms coupon or coupon rate mean interest or interest rate.

62 O.S. § 591

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## Major Bond Categories

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Municipal Bonds are broken down into specific categories depending on the purpose of the bond issue. [Table 11-1](#) lists Municipal Bond categories and shows any statutory references that apply to each bond category.

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## Registering Bonds

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### *Registration Systems Creation and Management*

Each bond issuer is authorized to establish and maintain a system of registration for each obligation it issues. The bond issuer can amend, discontinue, and reinstitute any system, subject to covenants. These registration systems may be one of the following:

62 O.S. § 584

- A system in which only certificated, registered public obligations are issued
- A system in which only uncertificated, registered public obligations are issued



**Table 11-1. Bond Categories and Statute References**

| Bond Category                                                                                                                                                                                                                                                                                                                                                                 | Statute References |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| General Obligation Bonds<br>Backed by the full faith, credit, and taxing power of the county, these bonds tend to receive the highest credit rating and therefore pay the lowest interest rate.                                                                                                                                                                               | 62 O.S. § 15       |
| Limited-Tax General Obligation Bonds<br>Similar to General Obligation Bonds, except these bonds have a legal restriction on the level of taxation that can be imposed to service the debt.                                                                                                                                                                                    |                    |
| Revenue Bonds<br>Revenue Bonds are secured by the earnings of the facility constructed from the proceeds of the bond issue.                                                                                                                                                                                                                                                   | 62 O.S. § 15       |
| Double-Barreled Revenue Bonds<br>The same as Revenue Bonds except that these bonds are backed by other sources in addition to the revenues generated by the constructed facility.                                                                                                                                                                                             |                    |
| Industrial Development Revenue Bonds<br>These bonds are used to finance the construction of facilities to encourage manufacturing, business, recreational, and cultural growth in a county. The debt payments usually come from rental payments made to the county by the organization that occupies the facility.<br>These bonds do not affect the debt limit of the county. | 62 O.S. § 654, 655 |

**Table 11-1. Bond Categories and Statute References (Continued)**

| Bond Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute References                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <p><b>Road Improvement Bonds</b></p> <p>Bonds issued for road improvement districts are paid by the property owners who benefit from the road improvements based on the County Tax Assessor's appraisal and apportionment. These payments are due in ten equal annual installments with interest applied per annum until paid, as set forth in the statutes. The total assessments can be paid without interest if paid within 30 days of the resolution to levy assessments. Since they are not a liability of the county, they do not affect the county debt limit.</p> | <p>11 O.S.<br/>§§ 36-301, 36-302, 36-303<br/>19 O.S. §§ 1257, 1258, 1259</p> |
| <p><b>Oklahoma Private Activity Bonds</b></p> <p>These bonds are issued by the state to promote employment and economic development, assure the general health, safety, and welfare of the citizens and residents of the state, and lessen the burdens of government.</p> <p>The State Bond Advisor determines each year the maximum total volume of private activity bonds that can be issued that year</p>                                                                                                                                                              | <p>62 O.S. § 695.22</p> <p>62 O.S. § 695.25</p>                              |
| <p><b>Public Trust Bonds</b></p> <p>Express trusts may be created to issue obligations and to provide funds to further and accomplish any authorized and proper public function or purpose of the state or of any county or municipality or any combination. An example would be an industrial development authority trust.</p>                                                                                                                                                                                                                                           | <p>60 O.S. § 176</p>                                                         |
| <p><b>County Buildings Bonds</b></p> <p>A county may issue general obligation bonds to acquire land and build or remodel a courthouse or jail. These bonds require a 3/5 vote of the people.</p> <p>Bonds issued for county building programs are made with an interest rate of no more than 10% per annum. The bonds are issued in denominations from one hundred to one thousand dollars, and they are paid within 25 years.</p>                                                                                                                                        | <p>19 O.S. § 734<br/>19 O.S. § 738<br/>62 O.S. § 498.1</p>                   |

- A system in which both certificated and uncertificated, registered public obligations are issued.

### **Description**

The bond issuer must describe the bond registration system in the registered public obligation or in the official actions which provide for original issuance of the registered obligation, and in subsequent official actions providing for amendments and other matters from time to time. Such description may reference a program of the issuer, which is established by the official or official body.

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## **Understanding Implications of the Federal Tax Reform Act of 1986**

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### ***Federal Tax Interest Income Exemption***

In addition to the relatively low risk of investing in municipal bonds, a major incentive for investment in municipal bonds has been their tax-exempt status. This status allows local governments to finance improvements at a relatively low cost to taxpayers and allows investors to earn an effective yield on their investment at least equal to yields of more risky taxable investments.

The IRS web site, <http://www.irs.gov>, has information on the types of bonds available and reporting requirements.

### **Restrictions**

The Federal Tax Reform Act of 1986 has placed some restrictions on the types of municipal bonds, which can retain a tax-exempt status. Bonds issued for “governmental” and certain “private activity and exempt facility” purposes are allowed tax-exempt status. The following governmental projects qualify for unrestricted tax-exempt financing:

- Traditional general public projects such as roads, bridges, schools, public buildings, parks, sewers (except treatment)

- Similar infrastructure projects
- Certain projects which otherwise might be taxable might be done on a tax exempt basis through a private activity bond.

62 O.S. § 695.22

The tax act prohibits more than 10% of a tax-exempt bond's proceeds from being used by a private business whenever more than 10% of the debt service payments are derived from that private business.

The tax act eliminates tax-exempt bond uses unless they meet the test of public ownership and use.

The following private activities can no longer use tax-exempt financing:

- Sports
- Conventions
- Trade show parking
- Industrial parks
- Pollution control facilities

### ***Arbitrage Restrictions***

Arbitrage involves a local government issuing tax-exempt bonds and investing the proceeds at a higher interest rate, until the proceeds are needed. The difference between the interest income and the interest expense is called "arbitrage earnings."

The interest rate that a county pays on a tax-exempt bond is lower than the interest rate of taxable bonds. For example, if a county invests the proceeds of a tax-exempt bond on which the interest is 7% in an otherwise taxable investment that pays 10% interest, the county's arbitrage earnings are 3%.

Under the tax bill, arbitrage earnings in excess of the allowable limits must be rebated to the federal government. The following situations are exceptions to this rule:

- When all gross proceeds of a bond issue are expended within six months of bond issue

- When small governmental units issue bonds totaling \$5 million or less annually
- Two-year construction spend-down exemption
- 18-month exemption when proceeds are used for governmental purposes

### ***Internal Revenue Service Report***

Counties must now file reports with the Internal Revenue Service each time they issue any tax-exempt bond. Failure to do so within certain time limits can result in the loss of tax exemption for that particular bond issue. The credit rating of the county could also suffer.

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## **Seeking Assistance With Bond Issues**

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The County Commissioners can contact the following state offices for guidance and assistance on bond issues:

Oklahoma State Bond Advisor's Office  
5900 North Classen Court  
Oklahoma City, Oklahoma 73118  
405-602-3100

Oklahoma Securities Commission  
Department of Securities  
Will Rogers Memorial Office Building  
P. O. Box 53595  
Oklahoma City, Oklahoma 73152  
405-521-2451

Oklahoma Attorney General's Office  
Bond Division  
Lincoln Plaza Building  
4545 Lincoln Boulevard, Suite 260

Oklahoma City, Oklahoma 73105-3498  
405-521-3921

Government Finance Officers Association (GFOA)  
203 North LaSalle Street  
Suite 2700  
Chicago, Illinois 60601-1210  
312-977-9700  
<http://www.gfoa.org>

Oklahoma State Auditor and Inspector  
State Capitol, Room 100  
Oklahoma City, Oklahoma 73105  
405-521-3495

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## Paying Judgments

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A judgment is a court decision regarding the rights of parties. Judgments can occur for the following reasons:

62 O.S. § 361

- To pay money owed – for example a claim that workers compensation was not paid.
- To pay for damages to person or property – for example a claim that a violation of a prisoner's civil rights has occurred.
- For no or inadequate insurance to pay a liability

Judgment claims are filed with the County Clerk.

Please refer to Chapter Five, *Governmental Tort Claims Act*, for more information on suits against the county.

51 O.S. §§ 151 et-seq ~160

## ***Purpose of Judgment Sinking Fund***

Sinking funds are used to accumulate funds to retire debt or satisfy obligations of liability. The constitution provides information on revenue for sinking funds and the uses to which that revenue can be applied. The statutes mandate how to pay judgments and describe how to fulfill that mandates regarding judgment sinking funds. Some counties are using sales tax monies to pay for judgments, however no statute explicitly authorizes this method of payment.

Oklahoma Constitution  
Article 10 §28  
62 O.S. § 431  
62 O.S. §§ 365.5, 365.6

No payment shall be made until such judgment is first spread on the budget for levy for the first third of the amount due, and the levy or provision made has become final.

One judgment can be paid from the excess in another sinking fund and then that fund is repaid.

## ***Roles of County Officers Regarding Judgments***

### **The Court Clerk**

The Court Clerk has the following responsibilities regarding judgments.

- Retain copies of all documents bearing the signature of the Judge which specify the relief granted or order made in the Journal Record
- Enter the judgment on the Appearance Docket and Journal Record containing data relative to the case



**The Appearance Docket is a permanent court record that contains cases filed in the district court with relevant information such as the type of case, the nature of the case, the attorneys involved, and the pleadings filed.**

- Keep a case file
- Provide a certified copy of the journal entry to the judgment creditor or attorney
- Upon receipt of the Treasurer's check, issue an official receipt and deposit the check in the official depository account and enter a credit in the case involved

62 O.S. § 365.2

62 O.S. § 365.5

- Make payment by official voucher to the judgment creditor and credit the judgment roll with the amount of the payment as ordered by the Court

62 O.S. § 365.5

## The County Treasurer

The County Treasurer has the following responsibilities regarding judgment:

- Receive the statement of judgment from the judgment creditor or attorney
- Maintain the Treasurer's Judgment Ledger (SA&I Form 324)
- Supply information to the judgment creditor or attorney for the judgment creditor that is necessary to file the claim form number 334 prescribed by SA&I
- This claim form is filed with the treasurer by the creditor, the creditor's attorney, or the person/entity to whom the judgment has been assigned. The form itemizes the judgments to be paid, including principal sums, any sums already paid, and balance due with interest.
- Upon receipt of the claim, determine if there is sufficient cash in the sinking fund
- If so, approve the claim and transmit it to the County Clerk for approval
- Upon approval by County Clerk, send the payment by treasurer's check to the Court Clerk and make the appropriate bookkeeping entries
- After the judgment is completely paid, close out the sinking fund with the balance going to the General Fund upon application to the Board of County Commissioners and authorization of the County Excise Board

62 O.S. § 365.2

62 O.S. § 365.3

62 O.S. § 365.5

62 O.S. § 365.5

62 O.S. § 445

## The County Clerk

The County Clerk has the following responsibilities regarding judgments.

- Act as the clerk for the County and all townships and dependent school districts in the County



- Receive the statement of judgment from the judgment creditor or attorney, in the form prescribed by the Administrative Director of the Courts, as filed in the County Clerk's office in that county

62 O.S. § 365.2

- File Statement of Judgment and Release of Judgment, which creates a lien
- Prepare and maintain the Judgment Index

62 O.S. § 365.5

12 O.S. § 727.1(I)(K)

12 O.S. § 706

The Judgment Index must include the name of the judgment debtor, the name(s) of judgment creditor(s), the name of the Court which granted the judgment, the number and style of the case in which the judgment was filed, the amount of the judgment (including interest, costs and attorney's fees, if shown), the date of the filing with the Court Clerk of the Court which granted the judgment, and the date of the filing of the judgment with the County Clerk.

SA&I recommends that the entry also include the reception number, and the book and page.

- Upon receipt of the payment claim (from the County Treasurer), the County Clerk must compare it against the records. If it is correct, approve the claim and return it to the County Treasurer for payment.
- In addition to a record of each judgment, record (when such cases occur) the case number and date of final decree of either the Oklahoma Court of Tax Review or the Oklahoma Supreme Court that invalidates any levy or part of levy attempted to be made and notify the Court Clerk.

62 O.S. § 365.5

62 O.S. § 365.3

## **The Board of County Commissioners**

For any judgments against the county, the Board of County Commissioners must approve payment of the judgment, which includes one third of the principle plus the accrued interest on the total funds due.

## ***Sinking Fund Levy Computation***

The following forms are used in computing sinking fund levies.

- Treasurer's Judgment Ledger (SA&I Form 324)
- Court Clerk Municipal Judgment Claim (SA&I Form 334)
- Assigned Judgment Claim
- Court Clerk's Municipal Judgment Roll (SA&I Form 326)
- Record of Municipal Judgments (SA&I Form 325)
- Application for Release of Judgment (Court Clerk)
- Submitted by the judgment debtor to the Court Clerk
- Certificate of Release (Court Clerk)  
Issued by the Court Clerk to the judgment debtor

### ***Annual Principal and Interest***

The amount of the judgment (the principal) is paid in three equal payments beginning in the fiscal year that follows the fiscal year in which the judgment was made. No payment is made until the first third is placed in the budget and is levied for collection.

62 O.S. § 365.5

Interest accrues on the outstanding principal balance at a rate either set by the court or by the court administrator's office.

12 O.S. § 727.1 (I),(K)

### ***Prepayment of Judgments***

If sufficient cash is available to make the annual principal and interest payment prior to the anniversary date of the judgment, the amount of interest due is prorated according to the actual elapsed time. In other words, just like any other debt, the sooner it is paid, the smaller the amount of interest.

### ***Example Judgment:***

#### Journal Entry of Judgment

On this 16<sup>th</sup> day of August 2002, this case comes on to be heard before the undersigned judge on the Plaintiff's motion for summary judgment. ...

It is therefore ordered, adjudged and decreed by the Court that the plaintiff is entitled to have and recover judgment of and from the defendant, Board of County Commissioners of the County of Farside, in the sum of \$101,702.95 principal and back interest of \$2,021.71 from the date the petition was filed through August 16, 2002 at 7.48% per annum, together with court costs in the amount of \$131.00, and attorney's fees in the amount of \$1,500.00, all together with interest thereon at 7.48% per annum until paid, and for future accruing costs, to be collected by plaintiff and satisfied by defendant as provided by law for judgments against counties.

Signed by Honorable Judge Lary Garson

So, the county got sued and must pay the sum of the costs to date, plus 7.48% interest until paid. Total costs are:

|                        |                 |
|------------------------|-----------------|
| Principal              | 101,702.95      |
| Back Interest          | 2,021.71        |
| Court Costs            | 131.00          |
| <u>Attorney's Fees</u> | <u>1,500.00</u> |
| Total                  | 105,355.66      |

One-third of the total will be paid each year, plus interest. Payments generally begin as soon as a sinking fund levy can be made and collected. In this case, it is assumed that the levy is begun in 2002 and the first payment is made in April 2003 following the second half collection of property taxes. Therefore, the first interest payment is six months interest on the total due. Thereafter, annual interest is computed on the remaining balance.

These figures assume that the interest rate stays the same.

| Payments:       | FY 2002-03 | FY 2003-04 | FY 2004-05 |
|-----------------|------------|------------|------------|
| Principal (1/3) | 35,118.55  | 35,118.55  | 35,118.55  |
| Interest        | 3,996.14   | 5,253.74   | 2,626.87   |
| Total Payment   | 39,114.69  | 40,372.29  | 37,745.42  |

Assuming that these are the three payments that will be made and assuming the following taxable valuations for the county in the three fiscal years, the necessary sinking fund levy can be estimated:

|                           | FY 2002-03     | FY 2003-04     | FY 2004-05     |
|---------------------------|----------------|----------------|----------------|
| Taxable Valuation         | 292,000,000.00 | 300,000,000.00 | 305,000,000.00 |
| Payment due               | 39,114.69      | 40,372.29      | 37,745.42      |
| Delinquency reserve (10%) | 3,911.47       | 4,037.23       | 3,774.54       |
| Amount to Levy            | 43,026.16      | 44,409.52      | 41,519.96      |

Mill Levy                                      0.15                                      0.15                                      0.14  
(Mill Levy = "Amount of Levy" divided by "Taxable Valuation" multiplied by 1,000.)

This sinking fund levy to retire the debt created by the judgment is a property tax levy of the county above and beyond the standard ten mill general fund levy for county government.

### *Closing the Account*

After the judgment, plus interest, is paid in full and a release or similar document is received from the Court (Court Clerk), any balance in the sinking fund should be transferred to the County General Fund upon application by the Board of County Commissioners and approval by the Excise Board.

62 O.S. § 445

## Chapter Twelve

# Duties of the County Commissioner: Trust Authorities

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Nowata County, Circuit Engineering District 1

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## County Public Trust Authorities

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A county trust or express trust authority may be created to provide any number of public functions. The purpose of the trust should be specific. Examples of county trusts include jail administration, economic development, and solid waste collection. When a trust authority is formed the bylaws designate its purpose, powers, duties, finances, membership, and beneficiary. The beneficiary is usually the public body that created the trust. Hence, if the board of county commissioners creates a trust, the county is typically the beneficiary. The trustees (governing board of a county trust) are typically appointed by the Board of County Commissioners.

60 O.S. §§ 176, 177.1, 178, 178.4,  
178.6, 180.1, 180.2, 180.3

Under *Trusts for Furtherance of Public Functions*, Oklahoma Law allows for the creation of express trusts, or public trust authorities, to issue obligations, enter into financing arrangements including, but not limited to, lease-leaseback, interest rate swaps, and other similar transactions, and to provide for any authorized and proper public function or purpose. These trusts can be created by the state or any county or municipality, or by any and all combinations of the three.

### *Purposes*

A county might create public trust authorities for the following purposes:

2 O.S. §§ 15-68, 15-143, 16-2, 16-4,  
16-8, 16-24.1, 16-25, 16,26, 16.28

- To maintain and manage the county free fair facilities and activities
- To develop and/or maintain an industrial area
- To foster economic development activities
- To construct and/or maintain a hospital or other medical facility
- To establish a county health department
- To develop a social services department and/or construct facilities for social services, including those for senior, disadvantaged, or physically challenged individuals
- To provide airport facilities for the county
- To provide waste management and environmental facilities

Shotts v. Hugh, Okla.,  
551P2d 252 (1976)

- To administer a county jail facility
- For any other legal purposes authorized by the statutes

60 O.S. § 176(K)  
19 O.S. §§ 904.1, 905.1

## ***Benefits***

Creating public trust authorities for the county can have multiple benefits:

- The county can institute projects that might otherwise be beyond the ability of the county itself to handle in terms of manpower, expertise, and expenses.
- Public trust authorities can seek financing as an entity separate from the county, and outside some of the constraints placed on the Board of County Commissioners when seeking funds.
- Financing for trust authorities, which can come from sources such as bonds, property tax assessments, income generated by the trust, or sales tax, can be used only for the purposes of the trust, which adds credibility to the request for funds. While the Board of County Commissioners can set up separate cash funds, money for a trust authority is completely separate from other county monies and can be used only for the specific purpose approved by the voters.
- Depending on how the trust is formed, the Board of County Commissioners may have control over the creation, purposes, and functions of the trust, its finances, board members, and projects, but are not required to be involved in the actual day-to-day functions of the trust authority.
- Individuals who have the expertise specific to the purpose of the trust authority can be selected to manage the trust activities. Having qualified people involved with the trust helps to ensure that the mission and goals of the trust are achieved.

## ***Presumptions***

According to the statutes, a public trust authority established by a county must meet the following criteria:

60 O.S. § 176.1(A)

- Exist for the public benefit
- Exist as a legal entity separate and distinct from the settlor (entity that establishes a trust)



- Act on behalf of and to further the public function(s) for which the trust was created even though the facilities financed by the trust or in which the trust has ownership interest may be operated by private sources under contract.

## Conditions

The statutes also state that a public trust authority established by a county must meet the following conditions:

- The Board of County Commissioners appoints the trustees of the trust. If the trust has multiple beneficiaries, the trustees must be appointed by the governing bodies of all beneficiaries. 60 O.S. §§ 180.1, 180.3
  - The trust provides annual audits to the Board of County Commissioners.
  - The function of the trust could be authorized by state law to be performed by the county.
  - The Board of County Commissioners approves all indebtedness incurred by the trust. 60 O.S. § 176.1(E)
  - Any contract that exists for the operation or management of a facility that is financed by the trust must further the public purpose of the trust and not affect the trust's validity.
  - The affairs of the trust, such as the trust's budget, expenditures, revenues and general operation and management, are separate and independent from the affairs of the county. 60 O.S. § 176.1(D)
  - Either the trust or the county can pay money to each other unless payment is prohibited by the documents that established the trust.
  - The trust's existence, validity, and operation are determined solely by the documents that established the trust and all actions of the trust are subject to review by the trustees and possible correction by the District Court. 60 O.S. § 176.1(E)
- The Board of County Commissioners are the trustees if named as such when the trust is formed.
- All meetings of trustees of public trust authorities must be open to the public and conform to the open meeting laws. 25 O.S. § 302

## ***County Commissioner Responsibilities***

### **New Public Trust Authorities**

While the members of the Board of County Commissioners are not actively involved in the daily operations and decisions of the public trust authority, they are responsible for its creation and are ultimately responsible for its operations and its success or failure.

The Board is involved in setting up the procedures of the trust. It should establish an effective series of checks and balances to ensure that the trust accomplishes its mission, within a certain time frame, and with a specified budget.

The Board decides on the number of trustees that will be on the board of the trust and appoints those individuals. The Board of County Commissioners should insist on regular meetings and regular reports from the trustees.

### **Existing Public Trust Authorities**

When new County Commissioners take office, they should research any existing public trust authorities and become familiar with the mission and the status of the trust so that they can work effectively with the trustees. County Commissioners are urged to talk with the trustees and other people involved with the trust, read meeting reports and financial reports, and visually inspect any construction or other ongoing projects.

## ***Approval of Beneficiaries***

### **Public Trust Authorities with a County or Municipality as a Beneficiary**

If the beneficiary of a public trust authority is a county, then the creation of the trust must be approved by two-thirds of the Board of County Commissioners.

60 O.S. § 176

If the trust has more than one beneficiary, creation of the trust must be approved by two-thirds of the governing bodies of each beneficiary.

For trusts with a county as a beneficiary, no debt or obligation can be created until that debt or obligation has been approved by a two-thirds vote of the Board of County Commissioners or a two-thirds of the trustees of the trust, if not the Board of County Commissioners. For multiple beneficiaries, a two-thirds vote of all of the beneficiaries is required.

The Board of County Commissioners can set up a trust authority without any approval necessary from outside the Board. However, if the trust authority requires public funding to operate, then the Board must gain majority approval from voters in the county for the funding.

62 O.S. § 654

Revenue bonds may be issued by a trust for industrial development projects only with the approval of a majority of the qualified voters of the county voting in an election called for that purpose.

60 O.S. § 178.2

When a trust authority does issue bonds and assume indebtedness, the indenture and prospectus outlining the proposal and its financial arrangements must be submitted to the Oklahoma Securities Commission for approval, and a copy must be filed with the Secretary of State. The Attorney General must certify the obligation issue as the Bond Commissioner of the State of Oklahoma.

Refer to Chapter Eleven, Sinking Funds: Bonds and Judgments, for more information on bond issues.

A copy of the trust instrument must be recorded in the County Clerk's office.

60 O.S. § 178(D)

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## Creating Public Trust Authorities

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### *Procedure*

The following are recommended procedures for creating a public trust authority for a county:

- Identify the specific need and establish the goal or mission of the trust to address that need.
- Prepare a written mission statement or statement of the goal of the trust.
- Consult with experts in the community, other County Commissioners who have established a similar trust in their counties, and other persons or businesses with expertise in establishing trusts and in the mission of the trust.
- Establish a committee to conduct a pre-trust study to determine the following factors within the community:
  - \* Feasibility
  - \* Credibility

- \* Popularity
- \* Acceptability

This same committee should also conduct research, develop guidelines, and prepare the campaign for the trust financing election. This committee should include individuals who will actually be involved in the trust once it is established and funded.



**The work done prior to asking the voters to approve monies for a public trust authority can be crucial to the trust's success or failure. An election to request funds should be treated the same as any other election, with a well-organized and efficient campaign. The voters must be well educated before they vote.**

**As much of the planning as possible for the public trust authority should be completed before the election to request funds; the documents to establish the trust should be written, trustees to manage the trust should be selected, and strategies and detailed plans should be in place. Then, when funds are approved, everything is ready to start work on the trust's mission immediately.**

## ***Document to Establish A Public Trust Authority***

### **Initial Document**

Specific information that defines the initial structure of the trust and its goals, and identifies the specific steps to accomplish those goals must be included in a written document when establishing the trust.

60 O.S. § 177



**The written document that establishes the trust and defines its mission and responsibilities must be carefully planned and executed. Any decisions, actions, or activities of the trust must fall within the initial scope of this document. The document can be amended later, if necessary. However, any activities or funding that fall outside the scope of the initial document might need to be presented to the voters for approval.**

When the Board of County Commissioners is the governing body creating the trust, the creation should be in the form of a resolution adopted in a regular meeting of the Board. The resolution

60 O.S. § 176.1(A.1-3)  
60 O.S. § 177

should state in clear, concise language the purpose for creating the trust and the duties it is to perform as outlined in the statutes.

The Board, as the governing body, should specify that a constitution and by-laws, or at least a set of by-laws that sets forth a preamble and articles that specify its officers and mode of operation must be drawn up by the trust authority and submitted to the Board for approval.

60 O.S. § 177.1

The trust is limited to operating for the specific purposes noted unless it receives consent from the Board to perform other duties.

## Trustees

The document that establishes the public trust authority must provide for the appointment, succession, powers, duties, term, manner of approval, and compensation of the trustees.

60 O.S. § 178(A)

Trustees, who are public officers, must serve without compensation, but may be reimbursed for actual expenses incurred in their duties as trustees.

Any public trust that does name the state as beneficiary must have five trustees appointed by the Governor of the State of Oklahoma with the advice and consent of the Senate.

60 O.S. § 178(B)

Any public trust that does not name the state as beneficiary must have a minimum of three trustees.

60 O.S. § 178(C)

Trustees of any public trust authority can be removed from office by a District Judge for reasons of incompetence, neglect of duty, or malfeasance in office.

60 O.S. § 178(E)

The trustees of any public trust authority must request an audit of the trust's funds, accounts, fiscal affairs, and any other pertinent fiscal information within thirty days of the close of each fiscal year of the trust. The audit must be filed in accordance with statute requirements.

60 O.S. §§ 180.1, 180.3

At least five business days prior to the delivery of and payment for bonds, notes or other evidences of indebtedness by any public trust, a preliminary copy of the official statement, prospectus or other offering document pertaining to the issuance there shall be filed with the Secretary of State. Before fifteen (15) business days following this filing, a copy of the final form of the official statement, prospectus, or other offering document shall be filed with the Secretary of State and the Oklahoma Securities Commission. Any person responsible for the preparation of the official statement, prospectus, or other offering document who violates this section, a misdemeanor) shall be subject to a fine or a jail sentence or both.

60 O.S. § 178.2

Trust authorities must file annually with their beneficiaries copies of financial documents and reports sufficient to demonstrate the financial activity of the trust, including budgets, financial reports, bond indentures, and audits, which are approved in the minutes of the trust authority meetings.

### **Jail Trust Membership**

Any trust created to administer or oversee any county jail facility shall consist of not less than five members and must include a County Commissioner and the County Sheriff, or their designee, and one member appointed by each of the County Commissioners. The appointed members cannot be elected officials.

60 O.S. § 178(K)

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## **Maintaining Public Trust Authorities**

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### ***Holding Meetings***

Public trusts are considered public bodies within the meaning of the Open Meeting Act. Therefore, public trusts must comply with and are subject to the Open Meeting Act.

Cameras and tape recorders cannot be barred from trustees' meetings or any other meetings of a public trust.

Records of the trust and minutes of the trust meetings of any public trust must be written and kept in a place where the trust instrument is recorded. This place must be recorded in the County Clerk's office.

Every trust must file a monthly report of all expenditures or bond proceeds with the governing body of each beneficiary.

25 O.S. §301  
Attorney General Opinion 81-109  
60 O.S. §§ 178(D), 178(G)

### ***Purchasing***

#### **Construction Labor, Equipment, and Materials**

Contracts made by a public trust authority for construction, labor, equipment, materials or repairs in excess of \$50,000 must be awarded to the lowest and best bidder. Bidding must follow the requirements of the Public Competitive Bidding Act.

60 O.S., § 176(H)  
61 O.S. §101 et seq-138



**When considering bids, please be aware that the lowest bid is not always the best bid. The terms “lowest” and “best” should be considered together. It is important to review and consider bidder qualifications, experience, and credibility along with cost.**

### **Other Supplies, Equipment, or Materials**

For supplies, equipment or materials that fall under the county purchasing act, public trusts are not required to follow the purchasing procedures for purchases, lease-purchases, or rentals of supplies, materials, equipment, and improvements made with funds of a public trust expended by a county on behalf of the trust, if the county is a beneficiary of the trust. This exception is also true if the trust receives and administers the proceeds of sales tax.

All supplies, materials, and equipment are purchased in the name of the county. The Board of County Commissioners must issue prior approval of all purchases and contracts. Final approval of all purchases rests with the Board.

19 O.S. § 1505.2

60 O.S. § 176(H)

### ***Real Property***

The Board of County Commissioners can lease land or buildings to a public trust authority for use during the life of the trust.

60 O.S. § 178.9-178.11

Any public trust has the power to acquire lands by use of eminent domain to further public purpose projects that involve revenue-producing utility projects of which the public trust retains ownership. In trusts where a county is the beneficiary, these lands must be either inside the county, or contiguous to the county.

60 O.S. §§ 176(A.4), 176(B)

60 O.S. § 176.I

60 O.S. § 178.5

Certain assets of trusts are subject to ad valorem taxation.

### **Leasing to Public Trust Authorities**

The Board of County Commissioners may lease the grounds, building, equipment, and facilities owned and acquired by the county for the purpose of conducting annual agricultural and industrial fairs and expositions to a Public trust Authority for the purposes of managing the grounds, buildings, equipment, and facilities and conducting annual agricultural and industrial fairs and expositions.

2 O.S. § 15-143

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## Dissolving Public Trust Authorities

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Any trust may be terminated by agreement of the trustees and the governing body of the beneficiary, with the approval of the Governor. The trust cannot be terminated if any outstanding contractual obligations exist that are chargeable against the trust property, or if the trust was terminated, would become an obligation of the trust beneficiary.

60 O.S. § 180

A trust shall have duration for the term of duration of the beneficiary, or a shorter time as is specified in the instrument creating the trust.

60 O.S. § 177



**The Board of County Commissioners is encouraged to monitor the trust authorities under its jurisdiction. The Board should receive a monthly financial report, and it should check to see if agendas, minutes of meetings, and records of financial transactions are being kept properly and filed in the county clerk's office.**

**The Board carefully monitor the terms of office of the trustees, keeping an up-to-date listing stating when the terms expire so trustees can be reappointed or new trustees can be appointed.**

**The Board should have a good, complete list of all trust authorities that exist in the county. The County Commissioner should cooperate with the County Clerk to see that required actions are being completed.**

**Board members should periodically attend the meetings of the trust authorities to see if they are conducting business properly, since this is indirectly the business of the county. When the trust authorities complete their functions, the Board should reach an agreement with the trustees and adopt a resolution in a regular business meeting dissolving the trust, as the statute specifies (so long as there are no outstanding obligations).**



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## County Jail Trust Authorities

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19 O.S. §§ 904.1, 904.2, 904.3,  
904.4, 904.5, 904.6, 904.7, 904.8,  
904.9, 904.10

### *Creating Under Title 60 (Property)*

Although most county trusts are created under the statutory authority of Title 60 of the Oklahoma Statutes, Title 19 provides for creation of a county jail trust authority (CJTA) by majority vote. (Jail trusts created under Title 60 do not require a majority vote.)

Title 60 trusts follow the same organization format as the Title 19 trusts shown below.

When conducting business, a simple majority of the CJTA constitutes a quorum. After its creation, the CJTA shall estimate its expenses and request the BOCC to call an election for a county sales tax to fund it. The CJTA shall pay for an audit following the close of each fiscal year. A copy of the audit shall be filed with the State Auditor and Inspector.

19 O.S. § 904.6

### *Creating Under Title 19 (Counties and County Officers)*

A county jail trust authority may also be created using the law found in Title 19 of the Oklahoma Statutes. This jail trust requires a majority vote of the people in an election called by the board of county commissioners. The following individuals shall be the jail trust directors

- Chairman of the Board of County Commissioners
- The County Sheriff
- A member appointed by the district judge
- A member appointed by the Board of County Commissioners
- A member appointed by the County Sheriff.

The appointed members must be residents of the county who are not elected officials. The members shall serve without compensation. The County Sheriff serves as chairman of the jail trust board. The board of directors shall appoint a clerk and a treasurer. The treasurer shall be bonded.

Soon after organization, the trust shall formulate a plan to fulfill its purposes. The trust shall then request the County Commissioners to call a sales tax election for purposes of funding any acquisition, construction, operation and maintenance needed.

The powers and duties of the jail trust authority shall include:

- Manage and conduct the business of the authority
- Make and execute necessary contracts
- Acquire, operate, and maintain necessary correction and detention facilities
- Contract for employees
- Acquire necessary real and personal property
- Acquire necessary, suitable buildings and structures
- Employ required employees and determine their compensation and duties
- Contract with federal, state, and local governments for their use of trust facilities
- Establish rules for the trust authority
- Do any and all necessary things for an effective corrections and detentions system for the welfare and safety of the residents of the county
- The trust may hire legal counsel and take legal action as needed to conduct their duties
- Have an annual, certified audit made of the fiscal affairs of the trust using standards set by the State Auditor and Inspector and file the audit with SAI.

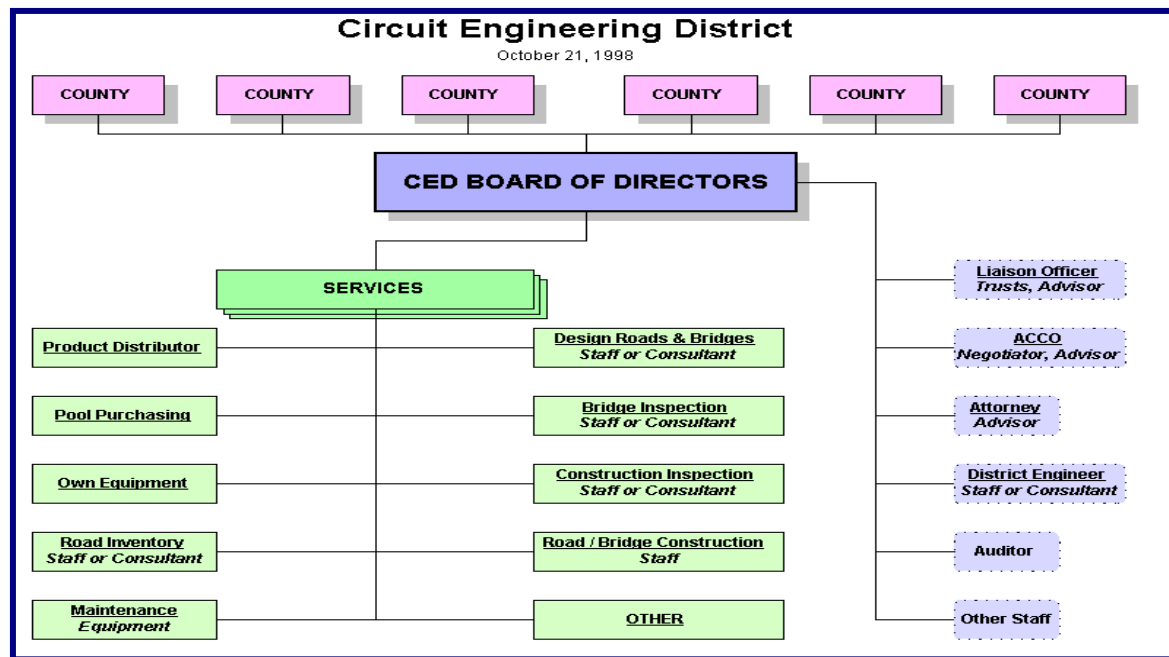
The board of directors shall establish the time and place of regular meetings and how special meetings as required. A quorum shall be a simple majority. Issues requiring a vote shall require a simple majority of the members of the entire board. Hence, three constitutes a quorum and three is also required for a passing vote. All records shall be open for inspection during business hours.

The treasurer of the trust shall pay claims only after approval by the board of directors. Warrants shall be signed by the chairman and countersigned by the clerk.

Upon dissolution, proceeds of the disposition of property and all funds remaining shall be deposited with the county treasurer and the county treasurer assumes the powers and duties of the trust treasurer. Likewise, following completion of dissolution, the Board of County Commissioners shall succeed to all duties of the trust that may be remaining.

## Chapter Thirteen

# Duties of the County Commissioner: Circuit Engineering Districts



Organization and Services Flow Chart for Circuit Engineering Districts

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## Circuit Engineering Districts

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The Board of County Commissioners of any county can partner with any other county or counties located in their county's Association of County Commissioners of Oklahoma (ACCO) district to create a circuit engineering district (CED).

69 O.S. § 687.1(A)

A CED is considered a political subdivision of the state.

69 O.S. § 687.1(K)

This chapter defines CEDs, explains their objectives, discusses their authorities, and provides sample by-laws.

### *Objectives*

The objectives of a CEDs include the following activities:

69 O.S. § 687.1(A)

- To allow county governments to make the most efficient use of their powers by enabling them to cooperate with each other and other units of government to provide services and facilities that most efficiently consider geographic, economic, population, and other factors that influence the needs and development of county government
- To provide research and research support to county government
- To provide assistance to county governments while they perform functions delegated by the law such as road maintenance, construction, inspection, and equipment purchase and management
- To conduct programs such as public discussion groups, forums, panels, and lectures
- To present instruction and education courses
- To obtain, develop, and present scientific and other types of information that relate to public transportation system operation
- To promote long-range planning and growth of the transportation system within the CED and other CED's in the state

- To provide services to counties in a coordinated, cost effective manner that improves the quality of the transportation system

### ***Authorities and Responsibilities***

A CEDs engineering district has the responsibility and authority to carry out the following activities:

69 O.S. § 687.1(B)

74 O.S. § 1001

- To comply with the provisions of the Interlocal Cooperation Act
- To advise and assist members of the CED on how to develop and implement an effective transportation plan for the best interests of each member of the CED
- To prepare programs of research
- To contract for services to carry out the purposes of the CED
- To provide periodic reports for the CED or its members as required by federal or state law or regulations
- To acquire and hold property for the CED's use, and to incur expenses to carry out its functions
- To receive gifts, contributions, and donations to carry out the CED's objectives
- To assess CED members for services rendered in carrying out the CED's functions
- To apply for grants from any participating member, the State of Oklahoma, the federal government or other sources, and to contract for, administer, receive, and spend funds
- To publish studies related to work in the CED that would benefit its members or other agencies
- To obtain surplus property, acting through cooperative agreements on behalf of counties, and to contract to obtain surplus equipment for road and bridge building purposes

19 O.S. § 339  
19 O.S. § 421.3  
80 O.S. § 34.1

A CED may, by affirmative vote of its board, determine that ACCO be designated to negotiate for services required by law or necessity on behalf of the CED.

69 O.S. § 687.1(C)

### **Liaison Officer**

The board of directors of a CED must elect a liaison officer for each trust. The liaison officer is a nonvoting member of that trust.

69 O.S. § 687.1(E)

The liaison officer is permitted to attend all meetings and participate in all discussions of the trust's board of trustees, and must report all actions of the trust to the CED's board of directors.

### **Activities**

Examples of specific work being accomplished through some of the CED's currently operating in Oklahoma include the following activities:

- Design engineering and plans preparation for federally and county funded bridge and roadway projects
- Bridge inspections, as mandated by the Federal Highway Administration
- Construction management, material testing, and inspection of construction projects
- Pre-construction project management to insure that plans are prepared and environmental clearances and right-of- way issues are handled in a timely manner so projects can be funded for construction

CED's can include as part of project engineering costs any cost or expense for administration, program management, and engineering, including the development of appropriate local road standards, in fulfilling its duties and responsibilities for review of contracts.

69 O.S. § 665

- Geographic Information Systems
- Sign shops
- Bridge construction
- Transportation grant writing

## ***Legal Trusts***

A CED may, from time to time, as its board of directors deems necessary, form legal trusts that shall be formed to promote and develop specific projects. The primary goal of each trust created shall be the economic growth and development within the district. However, the trust must be limited to functions within the category for which it is specifically organized. The trust shall be totally responsible for its contractual obligations and holdings, holding the CED harmless for claims or liabilities created by the trust.. Please refer to [Chapter Twelve, \*Duties of the County Commissioner: Trust Authorities\*](#), for more information about forming a legal trust.

69 O.S., § 687.1(D)

## **Functions**

The functions of the trusts must be limited to categories for which the trusts were specifically organized. The trust is totally responsible for its contractual obligations and holdings. The CED cannot be liable for claims or liabilities created by the trust.

## ***Audits, Legal Services, and Purchasing***

### **Audits**

The board of directors of a CED must conduct an independent audit at the end of each fiscal year.

69 O.S. § 687.1(F)

### **Legal Services**

The board of directors of a CED can employ an attorney to provide legal research, advice, and opinions to the board.

69 O.S. § 687.1(G)

### **Other Services**

A CED can designate ACCO to negotiate services required by law or necessity on behalf of the CED.

69 O.S. § 687.1(C)

CED's may participate in the County Road and Machinery and Equipment Revolving Fund

69 O.S. § 687.1(I)  
69 O.S. § 302.1

### **Purchasing**

The State Auditor and Inspector (SA&I) must prescribe the necessary rules, forms, and procedures to provide for the efficient and timely purchase of supplies and equipment.

69 O.S. § 687.1(H)



The rules, forms, and procedures developed by the SA&I can be used by the Oklahoma Department of Transportation County Advisory Board in conjunction with the CEDs for pool purchasing using funds from the County Road Maintenance and Equipment Revolving Fund.

To access pricing and bids available on a national level, counties can also participate in pool purchasing with ACCO or the other CEDs provided they follow procedures determined by the SA&I.

### ***CED Auctions***

Counties may voluntarily participate in the CED Auctions, which facilitates disposing of surplus equipment. These auctions bring larger numbers of potential bidders and are advertised nationwide. In order to meet bidders' expectations, the Oklahoma Circuit Engineering Districts Board (OCCEDB) (see "Statewide Boards" below) has implemented auction policies. For a copy of the CED Engineering Policies, go to <http://www.occedb.org> and click on "Auctions: Auction Policies." The Statewide County equipment Auction Equipment Submittal Form and information about upcoming and past auctions can also be found on this website.

### **Facilitator**

The OCCEDB acts as the facilitator for CED auctions. The facilitator has the following responsibilities:

19 O.S. §§ 339, 421.1(F)

- Provide instructions, submittal forms, auction equipment lists by fax to the Boards of County Commissioners
- Attend the auctions to provide information and receive feedback

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## Statewide Boards

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### *Oklahoma Circuit Engineering Districts Board*

CEDs have a statewide board, the Oklahoma Circuit Engineering Districts Board (OCCEDB) that consists of the elected chairpersons of each CED. OCCEDB's mission is: "To improve the quality of the County Highway System for the citizens of Oklahoma by supporting and promoting local Circuit Engineering Districts." The statewide board performs the following functions:

69 O.S. § 687.1 (J)

- Conduct business including developing policies and procedures, incur expenses, and contract for services providing the business furthers the provisions of the CED statutes
- Coordinate activities between CEDs
- Administer the Statewide Circuit Engineering District Revolving Fund

69 O.S. § 687.2

The statewide board has the authority to promulgate rules to carry out the provisions of the CED statutes.

For more information on OCCEDB, visit <http://www.occedb.org>.



## **Replacement, Expansion, or Repair of bridges Expenditures**

The Boards of County Commissioners may enter into cooperative agreements with the Oklahoma Turnpike Authority to replace, expand or repair functionally obsolete and structurally deficient bridges which cross over or under turnpikes. The expenditures for such projects will be from any federal, state, or county public funds appropriated and earmarked for such purpose. Counties may apply for the expenditure of these earmarked funds for projects that have been requested by the Board of County Commissioners of the county where the bridge is located. Once approved by the OCCEDB, this Board will select and prioritize the bridge replacement projects based on criteria which shall include, but not be limited to, high traffic volume and current bridge safety assessments.

69 O.S. § 660

## ***OCCEDB Circuit Engineering District Revolving Fund***

The Statewide Circuit Engineering District Revolving Fund is a continuing revolving fund in the Oklahoma State Treasury. The monies in this fund may be budgeted and expended by the State Treasurer solely to fund the statewide OCCEDB.

69 O.S. § 687.2

The State Auditor and Inspector audits the Statewide Circuit Engineering District Revolving Fund on a yearly basis, and the OCCEDB is responsible for the cost of the audit.

Expenditures from the fund shall be made once each month upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

The statutes contain information on how the Oklahoma Circuit Engineering District Revolving Fund is funded.

68 O.S. §§ 500.6, 500.7, 1004  
74 O.S. § 227.3

Contact [OCCEDB](#) for CED Revolving Fund Funding Application Policies.

## ***OCCEDB Emergency and Transportation Revolving Fund***

The OCCEDB develops and adopts rules that govern the application and qualification procedures for counties seeking funding from the Emergency and Transportation Revolving Fund. This fund is a continuing revolving fund that consists of monies received by donation, deposits designated by law or appropriations.

69 O.S. § 687.3

All monies may be budgeted and expended by any qualified county or counties for funding county emergency or transportation projects that are reimbursable.

Expenditures from the Emergency and Transportation Revolving Fund are made on warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Contact [OCCEDB](#) for a copy of “Rules of the Oklahoma Cooperative Circuit Engineering Districts Board Concerning the Implementation of the Emergency and Transportation Revolving Fund Program.”

### ***Department of Transportation County Advisory Board***

The Department of Transportation County Advisory Board is made up of nine county commissioners selected by ACCO. One member is elected from each of the eight ACCO districts, and one member is selected at large by the other eight members.

69 O.S. § 302.1(A)

This Board is authorized to use the County Road Machinery and Equipment Revolving Fund to purchase new or used road and bridge construction and maintenance machinery and equipment for lease or lease-purchase to counties only if requested to do so by a board of county commissioners or CEDs.

69 O.S. § 636.2

This Board is authorized to develop criteria for the County Road machinery and Equipment Revolving Fund which includes establishing a maximum purchase allocation for participating counties and CEDs.

69 O.S. § 302.1(B)(7)

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## **Circuit Engineering District Energy District Authorities**

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The board of directors of a CED may, by resolution, establish a County Energy District Authority for the CED according to the provisions of the Oklahoma Energy Independence Act. The authority must be a public trust.

19 O.S. § 460.2a  
60 O.S. § 176, 176.1

The authority shall consist of the Circuit Engineering District Board of Directors.

The chair of the board of directors of the CED serves as chair of the authority.

The trustees of a County Energy District Authority must perform the following activities:

60 O.S. § 178

- Manage and conduct the business and affairs of the authority;

- Make and execute all necessary contracts;
- Secure funding through sources which may include the following types:
  - \* Issuing notes or bonds
  - \* Borrowing from public or private lenders
  - \* Obtaining grants or loans from other governmental entities when such funds are available
- Authorize the county to make loans or grants between a willing and consenting property owner and the authority or a financial institution for the following purposes:
  - \* To finance the installation of distributed generation renewable energy sources
  - \* To make energy efficient improvements or retrofits that are permanently affixed to residential, commercial, or industrial property
  - \* To conduct residential and commercial building energy audits
  - \* To establish financial incentive programs for energy efficient improvements

60 O.S. § 177.2

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## Circuit Engineering District Sample Bylaws

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The following section contains sample bylaws for a circuit engineering district. They provide an example of how a circuit engineering district is organized. These bylaws are based on the bylaws of Circuit Engineering District 7, dated October, 1998, and amended December 2001, June 2004, and December, 2004.

# **CIRCUIT ENGINEERING DISTRICT 7**

## ***BYLAWS***

October 9, 1998

Amended December 17, 2001

Amended June 22, 2004

Amended December 21, 2004

**Article II**

Name and Location

**Article II**

Objectives

**Article III**

Authority

**Article IV**

Membership

**Article V**

Operation and Cost

**Article VI**

Meeting

**Article VII**

Board of Directors

**Article VIII**

Selection of Officers and Terms of Office

**Article XI**

Duties of Officers

**Article X**

Special and Standing Committees

**Article XI**

Circuit Engineer and Staff

**Article XII**

Finance

**Article XIII**

Trust

**Article XIV**

Dissolution

**Article XV**

Amendments

**Article I**  
**Name and Location**

Section 1. The name of this organization shall be the Circuit 7, Circuit Engineering District, a voluntary Association of County Government of Oklahoma.

Section 2. Office of the Circuit Engineering District shall be located in \_\_\_\_\_, Oklahoma and/or in such other localities as may be determined by the Board of Directors.

**Article II**  
**Objectives**

The objective of this Circuit Engineering District shall be:

1. To allow County Governments to make the most efficient use of their powers by enabling them to cooperate with each other and other units of governments on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of county government.
2. To provide research and research support to County Government.
3. To provide assistance to County Governments in performing the functions delegated by law including, but not limited to, the operation of road maintenance, construction, inspection, and equipment purchases and management.
4. To conduct public discussion groups, forums, panels, lectures, and other similar programs.
5. To present courses of instruction and education.
6. To obtain, develop and present scientific and all other types of information relative to the operation of the public transportation system in Oklahoma.
7. For long-range planning and growth of the transportation system within the Circuit Engineering District and other Circuit Engineering Districts within Oklahoma.



8. To provide services to counties in a coordinated manner that will improve the quality of the transportation system and be cost effective.

### **Article III Authority**

The authority of this Circuit Engineering District shall be as follows:

1. To comply with and carry out the provisions of Title 74, Chapter 31, Interlocal Cooperation Act, and Title 69, Section 687.1 Circuit Engineering Districts of Oklahoma Statutes.
2. To advise and assist its members with how to implement and make an effective transportation plan for the best interest of each member of the Circuit Engineering District.
3. To prepare such programs of research as may be necessary and advisable in carrying out its purposes.
4. To contract for services with persons, firms or units of governments to carry out the purposes of the Circuit Engineering District.
5. To provide periodic reports for the Circuit Engineering District or for its members as may be required by Federal or State legislation or regulations pertaining thereto, and as are within the scope and range of the purpose of the Circuit Engineering District.
6. To acquire and hold property for its use, and to lease out such property when not in use, and to incur expenses to carry out its functions.
7. To receive gifts, contributions and donations to carry out the purposes for which it is formed.
8. To assess its members for the services in carrying out its functions.
9. To apply for, contract for, administer, receive and expend funds or grants from any participating member, the State of Oklahoma, the Federal Government, or any other source.
10. To publish studies in connection with its work which may be of benefit to its members or other agencies within and outside of the Circuit Engineering District.

## **Article IV**

### **Membership**

Section 1.       Qualifications. Membership in this Circuit Engineering District shall be composed of counties of Oklahoma by the passage of a Resolution, which accepts the Bylaws of this Circuit Engineering District.

Section 2.       Regular Membership. Regular voting membership in this Association shall be limited to County Commissioners appointed by a member county to serve on the Board of Directors.

Section 3.       Non-Voting Membership. The following membership classes shall have no vote and be ineligible to hold office in the Circuit Engineering District:

A) Affiliate Membership: Affiliate membership may be available to educators, government officials, associations, and others who have a special interest in county government. Affiliate members may serve on committees other than Nominating, Budget and Finance Committees.

B) Associate Membership: Associate memberships may be available to any person representing a firm or corporation engaged in selling products or services to members of the Circuit Engineering District. Bylaws and policies governing the participation of associate members shall be approved by the Board of Directors.

Section 4. Admission of Members: Admission of all regular voting memberships shall be effective upon receipt of completed Resolution and determination of qualifications. Admission of all applicants for affiliate or associate membership shall be by a majority vote of the Board of Directors present and voting at any meeting of the Board, or in such other manner as the Board of Directors may determine.

Section 5. Resignation: Any member may resign by filing a written resignation with the Secretary-Treasurer, but such resignation shall not relieve the member so resigning of the obligation to pay any cost or charges therefore accrued and unpaid.

## **Article V** **Operational Cost**

Section 1. Establishment of Operation Cost: Operation cost, dues and admission fees, if any, for all classes of membership shall be established by the Board of Directors and duly published.

Section 2. Delinquency and Cancellation: Any member of the Circuit Engineering District who shall be delinquent in operation cost, dues and admission fees for a period of sixty (60) days, shall be notified of such delinquency and suspended from further service. If payment is not made within the next succeeding thirty (30) days, the delinquent member shall be dropped from the rolls and thereupon forfeit all rights and privileges of membership, unless such suspension, at the request of the member, is waived by the affirmative action of the Board of Directors.

## **Article VI** **Meeting**

Section 1. Regular Meetings: Meetings of the Circuit Engineering District shall be held no less than six (6) times a year at such place and on such dates as may be determined by the Board of Directors.

Section 2. Special Meetings: Special meetings of the Circuit Engineering District may be called at any time by the President or a majority of the Board of Directors.

Section 3. Notice of Meetings: Written notice of all meetings shall be mailed to each member, entitled to vote thereat, at the member's last known mailing address, at least five (5) days prior to the date of the meeting.

Section 4. All meetings, whether regular or special shall be held in accordance with Oklahoma's "Open Meeting Law" (Title 25, O.S. § 301-413).

Section 5. Quorum of Members: At a regular or special meeting of members, a quorum shall consist of fifty percent, or their duly designated substitutes, of the Board of Directors.

Section 6. Cancellation of Meeting: The Board of Directors may cancel any regular or special meeting for cause.

Section 7. Rules of Order: The meetings and proceedings of this Circuit Engineering District shall be regulated and controlled according to Roberts Rules of Order (Revised) for parliamentary procedure, except as may be otherwise provided by these Bylaws.

## **Article VII** **Board of Directors**

Section 1. Selection of Board of Directors: The Board of Directors shall be composed of one person appointed by a majority of the Board of County Commissioners of each county participating in the Circuit Engineering District.

Section 2. The Board of Directors shall establish a budget and determine the salaries, staff, size, space requirements, supplies, duties, obligations and priorities for the operation of the district.

Section 3. The Board of Directors shall determine what services and functions the Circuit Engineering District shall provide, and determine by what method these services and functions will be carried out.

Section 4. The Board of Directors shall have the authority employ the circuit engineer for the district. The circuit engineer may be terminated by a majority vote of the board.

Section 5. The Board of Directors shall determine the operational costs and expenses of the Circuit Engineering District and how that cost shall be shared by the participating counties.

Section 6. Assistant Director: A member of the Board of Directors shall have the authority to appoint an assistant Director who shall perform those functions of the Director in his or her absence.

Section 7. Absence: Any member of the Board of Directors who shall have been absent from two (2) consecutive regular meetings of the Circuit Engineering District during a single

administrative year shall automatically vacate the seat on the board of Directors and the vacancy shall be filled as provided for in Title 69, § 687.1 O.S., however, the Board of Directors shall consider each absence of an elected officer or Director as a separate circumstance and may expressly waive such absence by affirmative vote of a majority of Board Members.

Section 8. Vacancies and Removal: Any vacancy occurring on the Board of Directors between terms of office shall be filled by as provided for in Title 69, § 687.1 O.S. with said person to serve out the remainder of the term.

Section 9. Compensation: Directors shall not receive any compensation for their services.

### **Article VIII** **Selection of Officers and Terms of Office**

Section 1. Elected officers: The elected officers of this Circuit Engineering District shall be a President, Vice-President, and Secretary-Treasurer to be elected by the Circuit Engineering District membership at the *November Circuit Engineering District Board Meeting* in each year and to serve until their successors have been duly elected and assume office. The Circuit Engineering Membership may employ a non-member to perform the duties of Secretary-Treasurer. The Circuit Engineering Membership shall employ a Secretary-Treasurer at the November Circuit Engineering District Board Meeting in each year if so desired.

Section 2. Qualifications for Office: Any member of the Board of Directors in good standing, shall be eligible to be nominated and elected as an officer of this Circuit Engineer District.

Section 3. Term of Office: Each elected officer shall take office on January 1, and shall serve for a term of one (1) year or until his or her successor is duly elected and assumes office.

Section 4. Voting by proxy. Any regular member that is unable to be present at the last quarterly meeting of the **Circuit Engineering district 7** meeting to vote on the election of the President, Vice-President and Secretary-Treasurer may select a member of the Board of County

Commissioners from the county he or she represents to cast his or her vote for the candidate of his or her choice.

## **Article IX** **Duties of Officers**

Section 1. President: The President shall serve as chairman of the board of Directors. He shall also serve as a member, ex-officio, with right to vote in all committees, except the nominating committee. He shall make all required appointments of standing and special committees and trustees with approval of Board of Directors.

At the Regular Meetings of the Circuit Engineering District and at such other times as he shall deem proper, the President shall communicate to the members such matters and make such suggestions, as may in his opinion, tend to promote the welfare and increase the usefulness of the Circuit Engineering District. He shall perform such other duties as are necessarily incident to the Office of President or may be prescribed by the Board of Directors.

Section 2. Vice-President: The Vice-President shall assume the duties and responsibilities of the President during the absence of the President or as may be delegated to him by the Board of Directors.

Section 3. Immediate Past President: The immediate Past President, if any, shall be responsible for such duties as are assigned to him by the President with approval of the Board of Directors.

Section 4. Secretary-Treasurer: The Secretary-Treasurer shall be in charge of the Circuit Engineering district's funds and records. As Treasurer he or she shall collect all dues and/or assessments; shall have established proper accounting procedures for the handling of the Circuit Engineering District Funds and shall be responsible for keeping of the funds in such banks, trust companies and/or investments as are approved by the Board of Directors. The Treasurer shall report on the financial condition of the Circuit Engineering District at all regular meetings of the Circuit Engineering District and at other times when called upon by the President.

At the end of the fiscal year, the Treasurer shall prepare an annual report. At the expiration of his or her term of office he or she shall deliver over to his or her successor all books, money, and other property in his or her charge, or, in the absence of a successor, he or she shall deliver such properties to the President.

As Secretary of the Circuit Engineering District he or she shall be responsible for the proper and legal mailing of notices to members. He or she shall see to the proper recording of proceedings and meetings of the Circuit Engineering District, Board of Directors and all committees; and carry into execution all order, votes, and resolutions not otherwise committed.

## **Article X**

### **Special and Standing Committees**

Section 1. Budget and Finance Committee: The Budget and Finance Committee shall consist of the President, Vice-president, and Secretary-Treasurer. The Secretary-Treasurer shall serve as the Chairman. The Committee may perform such other duties in connection with the finances of the Circuit Engineering District as the Board of Directors may determine from time to time.

Section 2. Special Committees: The President with the approval of the Board of Directors, shall appoint such other committees, sub-committees or task forces as are necessary and which are not in conflict with other provisions of these Bylaws, and the duties of any such committees shall be prescribed by the Board of Directors upon their appointment.

## **Article XI**

### **Circuit Engineering Staff**

Section 1. Appointment: The Board of Directors may employ a salaried staff engineer or may hire an engineer whose title shall be Circuit Engineer and whose term and condition of employment shall be specified by the Board of Directors.

Section 2. Authority and Responsibility: The Circuit Engineer shall not be a regular member of the Circuit Engineering District or an elected official. He shall operate as prescribed by the Board of Directors and shall be responsible to the Board of Directors.

## **Article XII**

### **Finances**

Section 1. Fiscal Period: The fiscal period of the Circuit Engineering District shall be the same as the fiscal period of the counties of Oklahoma.

Section 2. Bonding: Trust or Surety bonds shall be furnished by the President, Vice-President, Secretary-Treasurer and such other officers or employees of Circuit Engineering District as the Board of Directors shall direct.

Section 3. Budget: With recommendations of the Budget and Finance Committee, the Board of Directors may adopt in advance of the next fiscal period an annual operating budget governing all activities of the Circuit Engineering District.

The Secretary-Treasurer shall furnish the membership a financial report at the end of the second regular meeting following the end of a fiscal year.

Section 4. Audit: The accounts of the Circuit Engineering District shall be subject to the same audit requirement as provided for by law for the counties of Oklahoma.

## **Article XIII**

### **Trust**

Section 1. Authority to create: The Circuit Engineering District may, from time to time, as its Board of Directors deem necessary, cause to be formed legal trusts which shall be formed to promote and develop specific projects, each shall have as its primary aim the economic growth and development within the area, but limited to functions within the category for which it is specifically organized, setting forth in each instance that the legal entity shall be totally responsible for its



contractual obligations and holdings, holding the Circuit Engineering District harmless for claims or liabilities created by said legal entity.

Section 2. Liaison Officer: The Board of Directors of the Circuit Engineering District shall elect a liaison officer who shall be a non-voting member of each trust so formed, but who shall be permitted to attend all meetings and enter into all discussions of the trust's Board of Trustees, and shall report all actions to the Board of Directors of the Circuit Engineering District.

Section 3. Annual Audit: The Circuit Engineering District shall conduct an independent audit upon completion of each fiscal year.

#### **Article XIV** **Dissolution**

Section 1. The Circuit Engineering District shall use its funds only to accomplish the objectives and purposes specified in the Bylaws. On dissolution of the Circuit Engineering District after all financial obligations have been met, any funds remaining shall be distributed to the member counties or a duly qualified successor organization.

#### **Article XV** **Amendments**

Section 1. These Bylaws may be amended or repealed by a two-thirds majority vote of the regular members present at any regular meeting or special meeting called for that purpose, notice of such proposed changes having been sent in writing to the membership thirty (30) days before such meeting, or by a two-thirds vote of the regular members voting by mail, ballots to be received within thirty (30) days. Amendments may be proposed by the Board of Directors on its own initiative.

## Chapter Fourteen

# Duties of the County Commissioner: County Roads and Bridges

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Ottawa County crew pouring a RCB.

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## Roads

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The County Highway System comprises all public roads in the county, except any roads, or part of a road, that the State Transportation Commission has designated as state highways.

69 O.S. § 601(A)

The Oklahoma Legislature has bestowed certain authorities on the Boards of County Commissioners with respect to the County Highway System. They maintain that the efficient management, operation, and control of county roads and other public thoroughfares are a matter of vital public interest. They also state that the problem of establishing and maintaining adequate roads and highways, eliminating congestion, reducing accident frequency, providing parking facilities and taking all necessary steps to ensure safe and convenient transportation on these public ways is no less urgent than on other roads and highways in the state.

69 O.S. § 101(g)

The Oklahoma Legislature also declares that while it is necessary to fix responsibilities for the location, design, construction, maintenance and operation of the several systems of highways, it is intended that the State of Oklahoma shall have an integrated system of all roads, highways, and streets to provide safe and efficient highway transportation throughout the state. The authority hereinafter granted to the State Highway Commission and to counties and municipalities to assist and cooperate with each other and to coordinate their activities is therefore essential.

69 O.S. § 101(h)

An official opinion of the Oklahoma Attorney General in 2003 provides the following definition of “a public road” under the jurisdiction of the County Commissioners:

AG Opinion 03-10

“A public road is any road within the county highway system open to the public for purposes of travel including: (1) all section lines opened and maintained by the board of county commissioners as provided in the statutes; (2) roads established by the board of county commissioners through the procedures in the statutes; (3) roads acquired by common law dedication through use of the road with the assent of the owner for the purposes of the dedication; (4) roads included in standard plans and specifications adopted by the board of county commissioners and dedicated for public use pursuant to the statutes; and (5) roads acquired by prescription through open, exclusive, continuous and adverse use of the road by the public for the fifteen-year prescriptive period.”

69 O.S. § 1201  
69 O.S. §.1646

69 O.S. § 601.1

The Oklahoma Transportation Commission, on or before the first day of June of each year, must certify to the Oklahoma Tax Commission the county road mileage of each county. This mileage includes any mileage represented by streets or roads in municipalities with a population of less than 2,500 and any other streets and roads in municipalities with a population of less than 5,000 that the county has agreed to construct, maintain, or repair.

69 O.S. § 316

In 2011, the County Highway System consisted of a total of 84,419 miles, which includes approximately 18,000 on the counties’ Major and Minor Collector System and 4, 536 miles of city streets.

## ***County Commissioners' Duties and Jurisdiction***

Road and bridge construction and maintenance is only one part of the County Commissioner's job, but it is the most visible and the one that usually requires the most cash outlay.

The Boards of County Commissioners have a duty to construct and maintain as county highways those roads that best serve the most people of their counties. For this purpose, the Boards are authorized to use any funds that are in the county highway fund, subject to statutory restrictions, together with any money or item of value derived from any agreement entered into between the county and the Transportation Commission, the federal government, this state, any other county or political subdivision of this state or other governmental entity, or any citizen or group of citizens who have made donations for that purpose.

69 O.S. § 601(A)

The Boards of County Commissioners have exclusive jurisdiction over the design, construction, maintenance, and repair of all county roads and bridges in their counties. Whether they are building a new road or maintaining an existing one, the Boards have the ultimate decision on which roads they maintain or build. Their duty is to construct and maintain those roads that best serve the most people in the county. Even if the project uses state or federal funding, the initial decision on location is the Boards' responsibility.

69 O.S. § 601

The Boards of County Commissioners not only have the authority and responsibility to maintain roads, they also have the authority to build new roads on section lines anywhere in the county. The Boards may obtain the land for new roads by amiable settlement or condemnation proceedings as the law provides.

69 O.S. §646, 1201  
Oklahoma Constitution  
Article 16-2

### **Weight Restrictions**

The Boards of County Commissioner can also, under certain conditions, impose weight restrictions on roads and bridges.

47 O.S. § 14-113  
A.G. Opinion 01-041

### **Unincorporated Areas**

The Board of County Commissioners also has the authority to establish road improvement districts for existing roads in unincorporated areas of the county. The Board may also make improvements on existing roads in unincorporated areas on a force account basis.

69 O.S. § 601(B)

## ***Interlocal Agreements***

A county and a municipality, any two or more counties, or a county and any federally recognized tribal government may contract with each other to construct, improve, repair, or maintain roads, streets, or highways. None of the parties to these agreements are liable for the acts or omissions of the other parties or for failure to inspect or supervise the performance of the other parties.

19 O.S. § 339  
69 O.S. § 207  
69 O.S. § 1903(B)

All interlocal cooperation agreements made between counties and those political subdivisions or citizens of a county shall be submitted to the district attorney of each of the counties subject to the agreement for approval. All other interlocal cooperation agreements shall be submitted and approved in accordance with the Oklahoma Statutes.

69 O.S. § 601(A)  
74 O.S. § 1001

## **Municipalities**

In addition to the county highway system, Boards of County Commissioners have the responsibility to construct, improve, repair, or maintain streets or roads in municipalities with a population of less than 2,500.

69 O.S. § 316

Boards of County Commissioners shall, by agreement with the governing body of a municipality that has a population of less than 5,000, construct, improve, or maintain any of the streets of the municipality. These agreements may be made without regard to whether the municipality has passed a sales tax with proceeds earmarked to construct, improve, repair or maintain any of the streets or roadways of the municipality.

11 O.S. § 36-113(A)(B)

In municipalities with populations greater than 5,000 but less than 15,000, the Boards may construct, improve, repair, or maintain any of the streets if the municipality has passed a sales tax with the proceeds earmarked to construct, improve, repair, or maintain any of the streets of roadways of the municipality.

11 O.S. § 36-113(C)

The Boards of County Commissioners may, by agreement, construct, improve, repair, or maintain any of the streets of a municipality if the county has a population in excess of 500,000. These agreements may be made without regard to whether the municipality has passed a sales tax with proceeds earmarked to construct, improve, repair or maintain any of the streets or roadways of the municipality.

11 O.S. § 36-113(D)  
19 O.S. § 339 (A) (16)

Any Board of County Commissioners may enter into agreements with the governing body of any municipality for participation with county highway funds in the cost of any street improvements that

11 O.S. § 36-112(C)

are within the limits of the municipality and are a continuation of the county highway system. The county's share of the cost is due and payable upon completion of the project.

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## Bridges

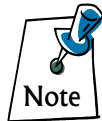
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A bridge is defined by the Federal Highway Administration as a structure that is twenty feet or longer.

### County Bridge Inspections

Federal Surface Transportation Program (STP) Funds are made available for the Safety Bridge Inspection Program for county bridge inventory and inspection in Oklahoma. These inspections must be performed by an ODOT pre-qualified consultant or a Circuit Engineering District (CED) engineer on all bridges a minimum of every two years, except for some new bridges, which are on a four-year cycle.

Every year, three million dollars of federal STP funds goes toward the County Bridge Inspection Program.



**Bridges that have serious problems may also need to be inspected more frequently until corrections are made.**



**When bridges fall below a three ton capacity, they must be closed or repaired. Repairs must raise the rating above or equal to three tons within 30 days of notification of bridge inspector.**

Oklahoma Administrative Code  
730:10-3-7

### Bridge Standards

For more information regarding bridge standards and the bridge inventory program, contact the [ODOT Bridge Division \(www.okladot.state.ok.us\)](http://www.okladot.state.ok.us) or [ACCO](#).

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## Planning

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Providing and managing an adequate and effective road and bridge system in the county requires careful planning. Counties have a limited amount of money to spend on road and bridge maintenance and new construction. The *Oklahoma Statutes* require the Board of County Commissioners to spend county road funds to best serve the most people. Therefore, the Board of County Commissioners must develop a construction and maintenance plan, based on need and resident's safety, so that those funds can be used most efficiently.

69 O.S. § 601

### ***Plans Mandated by the Oklahoma Statutes***

The *Oklahoma Statutes* require the Board of County Commissioners to spend county road funds to best serve the most people. Therefore, the Board of County Commissioners must develop a construction and maintenance plan, based on need and resident's safety, so that those funds can be used most efficiently.

### **Annual and Four-Year Priority Plans and Budgets**

On or before September 30 of each year the Board of County Commissioners shall adopt an annual priority plan and budget for the construction of road, bridge, culvert and drainage projects during the next federal fiscal year and the four years succeeding the next federal fiscal year, based upon available existing and estimated future funds administered by the Department of Transportation for county bridges and roads, which is the County Improvements for Roads and Bridges (CIRB) fund referred to later in this chapter under [Financing](#) and [Table 14-1](#).

The plan shall be filed by the Board of County Commissioners with the Department of Transportation and the County Clerk.

69 O.S. § 601.3(A)

The Board of County Commissioners may amend annual priority plans and budgets, but any amendment shall be filed with the Department of Transportation and the County Clerk.

## ***Road and Bridge Inventory***

Before a comprehensive plan can be developed, the Board should know exactly what bridges and roads to include in their plan. They need to know the location and condition of all bridges and roads that fall under their jurisdiction.

A road and bridge inventory and condition assessment should be an ongoing project with information being continually updated. To be effective, the inventory and condition assessment should always be as current as possible. For example, one reason to keep inventory and condition assessments current is that if it becomes necessary to apply for FEMA funds, FEMA will request a report on conditions prior to any damage.

A road or bridge inventory might include the following data:

- Road location
- Traffic use
- Current condition
- Adequacy for traffic use and location
- Priority designation  
(For example, critical – needs immediate attention, or, needs attention within a year)

## **Road Adequacy and Needs**

The Association of County Commissioners of Oklahoma (ACCO) and ODOT have procedures and manuals available for determining adequacy and need on roads, such as the most current County Road Design Guidelines Manual.

## ***Road and Bridge Construction***

### **Engineering Requirements**

When any culvert or bridge is to be constructed at an estimated cost of \$150,000 or more, or any culvert or bridge is to be reconstructed at an estimated cost of \$150,000 or more, or any grade-and-drainage project is to be developed, reconstructed, replaced or have major repairs that are estimated to cost more than \$400,000, engineering plans and specifications must be prepared to ensure sound

69 O.S. § 633



engineering practices. The Board of County Commissioners may use the county or CED engineer, employ an engineering consultant, or request assistance from ODOT to prepare these plans and specifications.

The project shall be advertised for bids, and the contract shall be let only after notice at a public letting. If the construction work can be completed for a cost below or equal to the estimate of the engineer or below any bid submitted at a public letting and so entered in its journal, nothing in this title shall prevent the board from causing the same to be built by day labor, force account, and purchase by the county of materials as provided by law.

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## **Road Maintenance**

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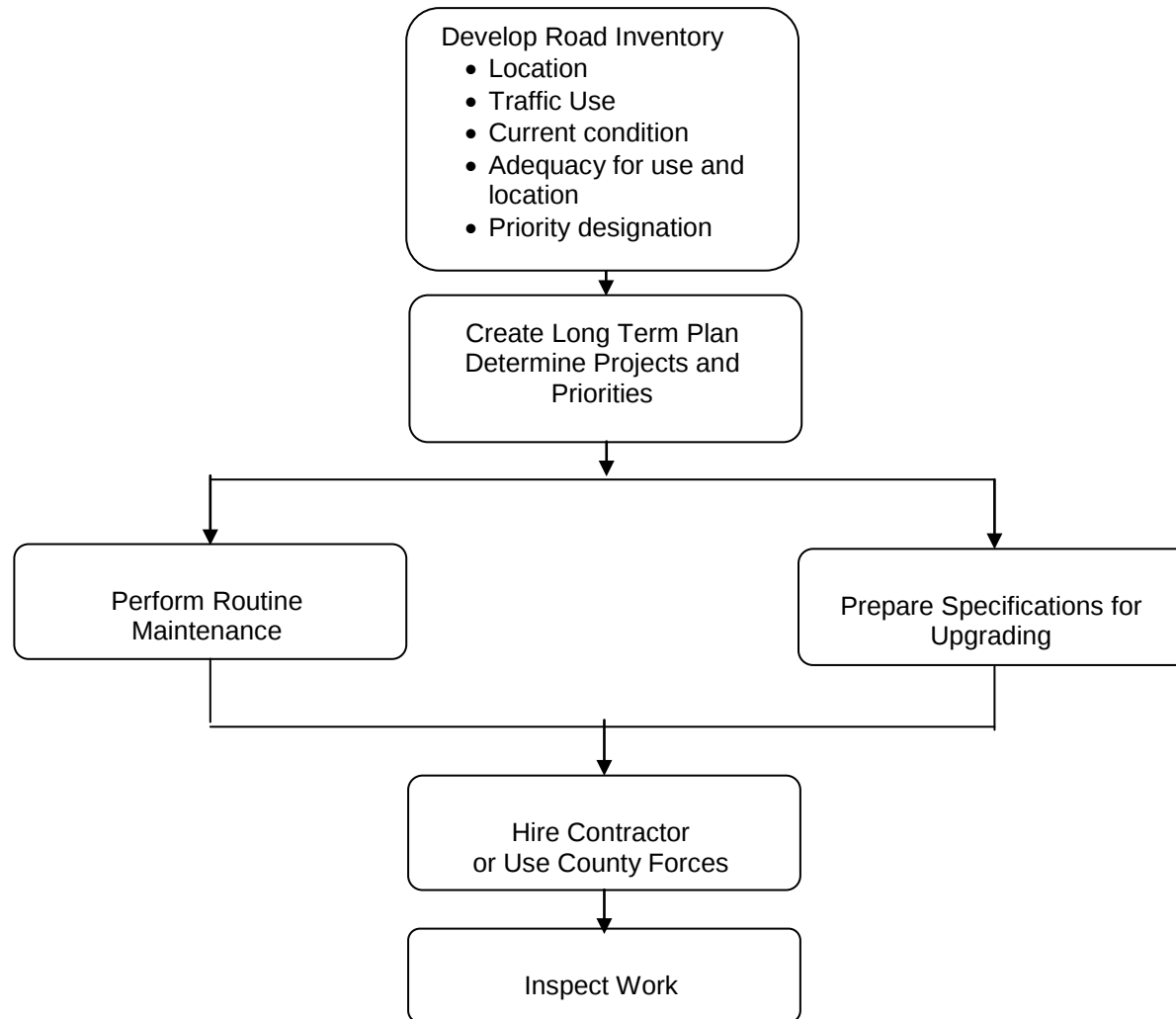
The Board of County Commissioners needs to understand two basic types of road maintenance: road upgrades and routine maintenance.

### ***Maintenance Plan***

One basic maintenance plan will not fit the needs of every county. The Board of County Commissioners should develop a maintenance plan based on the road and bridge inventory and condition assessment. [Figure 14-1](#) contains a flowchart that shows the basic steps in maintaining roads.

### ***Road Upgrades***

Road upgrades are the more difficult jobs that are needed when simple repairs and maintenance are no longer sufficient. Road upgrades require ripping up some or all of the original roadway and replacing it with a new one. For road upgrades, the Board of County Commissioners can decide whether to use county employees or hire a contractor.



**Figure 14-1: Basic Steps in Maintaining Roads**

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## Routine Road Maintenance and Inspection

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### *Routine Maintenance*

Routine maintenance can include such activities as filling potholes, adding aggregate to a gravel road, grading shoulders, or other simple jobs needed to keep county roads in a safe, usable condition.

Routine maintenance can be performed without preparing engineering specifications no matter how much the job may cost. Contractors may be hired for routine maintenance, but these jobs are almost always performed by county road employees. Technical assistance is available to County Commissioners through ACCO and the Local Technical Assistance Program (LTAP) at Oklahoma State University. Experienced County Commissioners and road personnel can also provide assistance.

County Commissioners are responsible for the project plans and the contractor's work, and to ensure that the county's money is used to best serve the most people. Therefore, they should be aware of basic road-building techniques in order to inspect the work being done. Two things will help County Commissioners judge the workmanship of a contractor or crew:

- Knowing the reasons roadwork fails
- Recognizing a good chip-seal technique

### *Causes of Failures*

To serve as an effective inspector for the contractor or crew, County Commissioners need to know why roadwork sometimes fails. Three primary reasons are poor drainage, sloppy utility cuts, and mistakes with asphalt.

### **Drainage**

Many times base failure or poor water drainage cause surface failures. Alligator cracks in flexible pavement surfaces indicate that water has eroded a soft spot below. In some cases, crews can relieve the moisture problem by providing an outlet for free water, which restores the base to its original

strength. Cleaning and opening up shallow side ditches may appreciably improve sub-grade drainage as well.

### **Utility Cuts**

One of the most difficult surface maintenance jobs is restoring utility cuts (electricity or phone lines). Utility cuts become a problem when utility companies dig out soil to install lines and then replace the soil in a loosened condition. Until the loose soil has been compacted by vibration plate-type compactors, vibratory rollers, or pounding of traffic, the road will settle or develop ruts. The best way to solve this problem is to prevent it by asking utility companies to sign permits to install their lines.

Public utilities and cable television systems have a right to use the right-of-way (R/W) on county roads for their lines; however, the Board of County Commissioners has the right to specify with a permit how utility companies will install these lines. Counties can specify that utility companies install their lines by boring underground or using poles rather than digging ditches across the road. If utility companies violate any of the installation instructions in the permit, they forfeit their right to use the R/W.

For an example of permits for right-of-way entrances and utilities, go to <http://www.occedb.org>. Many counties use this permit to establish installation conditions for utility companies.

### **Asphalt Failures**

Typical asphalt failures include:

- Cracking usually caused by movement of subsoil
- Edge-cracking caused by excessive sub grade moisture or concentrated loads
- Potholes caused by structure weakness
- Alligator cracks caused by lack of support for pavement
- Raveling caused by wear or insufficient binder
- Bleeding caused by excess asphalt
- Settlement caused by sub grade consolidation or displacement

- Shoving or rutting caused by excess binder in the mix

Fixing asphalt failures is a long and costly job. Counties, therefore, should prevent these failures by eliminating the causes in the first place.

### **Chip-Seal Techniques**

The second way to ensure quality work is by recognizing a good chip-seal technique. A chip-seal application to a road or street has two major objectives. First, it provides a surface to shed water to keep it from deteriorating the base. This prevents potholes and general road failure. Second, it provides a renewed riding surface. [Figure 14-3](#) shows the steps in the chip-seal job.

A good chip-seal job is fairly simple to obtain either by contract or with a county crew. To guarantee a good job, the County Commissioner should be able to serve as inspector for either the contractor or the county crew. The following steps are essential to the success of a chip seal.

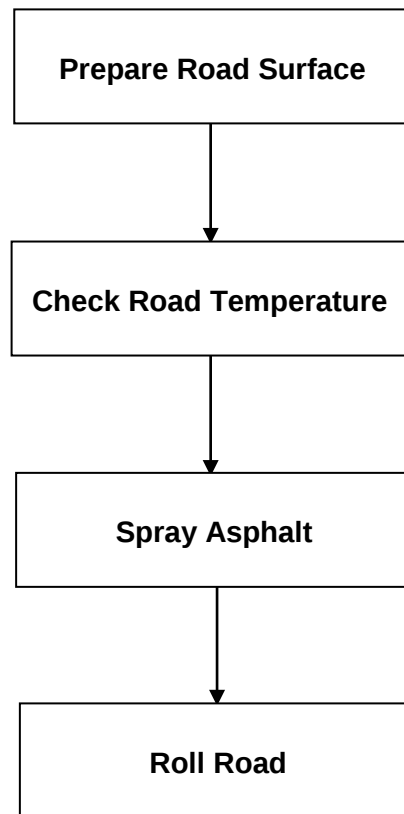
### **Road Surface Preparation**

The job will not last if the roadbed is not properly prepared. Watch for proper crown; the shoulder should be four to six inches lower than the centerline.

Ensure proper road compaction--the roadbed must have a hard, compacted base no loose soil-surfaces with loose dirt should be tight bladed, watered, and rerolled.

### **Check the Roadbed**

The roadbed must be dry and warm. A chip seal should never be applied when the air or ground temperature is below 50° F. Use a small bayonet thermometer to measure the temperature of the roadbed one-inch below the surface. Generally speaking, counties should not plan chip-seal work after November 1 in Oklahoma.



**Figure 14-3: Steps in Chip-Seal Job**

### Spray the Asphalt

The two important factors in spraying asphalt are the application rate and the temperature. The road crew or contractor should spray the oil at the specified rate in the 1988 edition of *Standard Specifications for Highway Construction*, published by ODOT. The necessary temperature of the oil at the point of spraying varies with the type of asphalt being used:

emulsified asphalt--100° to 140° F

cut-back asphalt--225° to 275° F

### Apply the Chips

Check the following criteria when a crew starts applying chips:

- Size-*Standard Specifications for Highway Construction*
- Cleanliness-slight amount of dust
- Application rate-*Standard Specifications for Highway Construction*
- Timing-immediately after oil is sprayed

### Roll the Road

Rolling is the final step in applying a chip seal. Again, timing is important. Using a rubber tire roller, the crew or contractor should complete the first two passes within 20 minutes after the chips have been spread, otherwise the chips and asphalt may not bond well and the cover may peel up. They should make four passes, the last one slowly (5 to 7 mph).

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## Bridge Repair and Replacement

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As of October 2012, 14,064 bridges are on the County Highway System. Approximately 34 percent of the county bridges in Oklahoma are functionally obsolete or structurally deficient (too narrow or too low of a load limit). Federal and state funds are available to counties for repair or replacement of these bridges. Refer to [Table 14-1](#) for funds available for bridge construction, repair, and replacement.

### ***Federal Aid for Bridge Repair or Replacement***

As with roads, federal funds are available to counties and are administered by ODOT. Currently, approximately 20 million dollars of Surface Transportation Program (STP) funds are allocated each year for the County Highway System bridges. These bridges are built to the most current County Bridge Standards as prescribed by statute. Refer to [Table 14-1](#) for information on available federal aid.

### ***State Aid for Bridge Repair or Replacement***

Two funds are available to counties, the County Bridge and Road Improvement (CBRI) fund, which they receive monthly appropriations directly to the County Treasurer from the Tax Commission and the County Improvements for Roads and Bridges (CIRB) fund, which is managed by a Circuit Engineering District and administered by ODOT. Both funds may be used to pay for construction costs or match federal funds to replace or repair a bridge, right-of-way, relocate utilities and rebuild fence.

69 O.S. § 665

69 O.S. § 507

The County Bridge and Road Improvement Fund is primarily for bridges on the county's major collector system, but may be used on school bus routes and mail routes. Refer to [Financing](#) and [Table 14-1](#) later in this chapter for more information.

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## **County Built Projects Using CBRI Funds**

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A professional engineer registered by the State Board of Licensure for Professional Engineers and Land Surveyors shall approve projects that may be awarded to contractors by the Boards of County Commissioners, the Transportation Commission or by other federal or state agencies under their normal competitive bidding procedures, excluding prequalification of bidders. A county-built project may be a road or bridge in whole or in part built with its own county forces or entirely let to contract, but all costs associated are payable.

69 O.S. § 662(A)

### ***County Built Bridge Criteria***

County-built bridges using the County Bridge and Road Improvement Fund shall meet or exceed the following criteria:

69 O.S. § 662(B)



- The bridge has been built according to the current edition of the County Bridge Standards manual or from field notes drawn by a registered professional engineer that provide the basic structural requirements to achieve a load rating of H. 23 tons or greater. Field notes may be handwritten specifications or sketches, which have been stamped or signed.
- The finished bridge shall achieve a 23-ton or greater rating. The rating criteria shall be determined by the National Bridge Inventory and approved by the Department of Transportation for bridges 20 feet or more in length.
- The subsurface foundation of the bridge shall meet the minimum guidelines established by using approved engineering methods, details of which shall be kept as shop notes.
- The finished bridge shall have a minimum roadway width of 24 feet; and
- Materials used in the construction of the bridge shall meet or exceed the specifications for materials as specified in the current edition of the County Bridge Standards or certified in writing by the engineer or supplier.

Prior to construction of the bridge, a county may request that construction supervision be provided by the Circuit Engineering District of which the county is a member to ensure quality control and quality assurance.

69 O.S. § 662(C)

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## Financing for Road and Bridge Construction and Maintenance

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### *Funds Available*

Federal, state, and Tribal programs are available for counties to obtain road and bridge construction and maintenance money to supplement county road funds.

Table 14-1 shows funding sources for road and bridge construction and maintenance.

### *Federal Funds - Federal Highway Administration: Oversight by ODOT*

Every year the federal government sends money to each state to assist both the state and its counties with road construction in Oklahoma. The Oklahoma Department of Transportation (ODOT) administers the Federal Surface Transportation Program (STP) funds and provides an overall 26

Federal Code  
730:10-3-2

million dollars per year for the County Highway system. These federal funded projects must be let to construction by ODOT and must have the funds authorized to a project during the Federal Fiscal Year, October 1 – September 30, or risk losing their funds.

Twenty million dollars per year of STP funds are available for bridges, 3 million dollars for inspection and 17 million dollars for new construction or repairs. This 17 million dollars is allocated out to each county by the County Bridge factor developed by ODOT.

Approximately six million dollars of STP funds are available each year for road projects on a county's Major or Minor Collector System. Refer to <http://www.okladot.state.ok.us/> for collector maps. The ACCO Board allocates these funds by using a project point system.



**Contact the ACCO office for more details on STP funds.**

## **Requirements**

When a county uses federal aid, the project must meet federal, environmental, and R/W requirements. The project must meet minimum standards for width of roadway, width of shoulder, thickness of base, thickness of surface paving, and bridge standards. Go to <http://www.occedb.org>, for the current version of the County Road Guidelines Manual, policies and procedures for the STP “road” program, and the Design Process Flow Chart.

## ***State Funds: Oversight by ODOT***

### **County Improvements for Roads and Bridges (CIRB Funds)**

Projects shall be considered and approved for inclusion in the five-year construction work plan annually by the Department of Transportation on the basis of specific project evaluation criteria. These criteria shall generally consider factors including the ability of the county to effect the improvements through the utilization of other resources and funding mechanisms, the priority of the project as established by the CED, project feasibility and cost including the ability of the county to participate, existing phase of project development, anticipated safety and mobility benefits realized by the traveling public and commerce, and the extent the project will improve the overall level of service and longevity of the county transportation system in the area.

Oklahoma Administrative Code

730:10-23-5

69 O.S. § 660

## County Road Machinery and Equipment Revolving Fund

The Department of Transportation County Advisory Board is made up of nine county commissioners selected by ACCO. One member is elected from each of the eight ACCO districts, and one member is selected at large by the other eight members.

69 O.S. § 302.1(A)

This Board is authorized to use the County Road Machinery and Equipment Revolving Fund to purchase new road and bridge construction and maintenance machinery and equipment for lease or lease-purchase to counties only if requested to do so by a board of county commissioners or a circuit engineering district.

69 O.S. § 636.2

This Board is authorized to develop criteria for the County Road Machinery and Equipment Revolving Fund which includes establishing a maximum purchase allocation for participating counties and circuit engineering districts.

69 O.S. § 302.1(B)(7)

## *State Funds: Oversight by the Counties*

### County Bridge and Road Improvement Funds (CBRI Funds)

The state also provides funds for county road construction and maintenance through the County Bridge and Road Improvement Act. This act provides a revolving fund for each county that enables counties to upgrade their road systems.

69 O.S. § 657

#### Priority of Funds

When a county receives County Bridge and Road Improvement Funds, the county shall give priority to reconstructing, replacing, or closing those bridges in the county that are rated less than three tons or 15 tons or less for those bridges on school bus routes. Bridge and road replacement or reconstruction projects shall be selected by the individual Boards of County Commissioners and shall be based on a countywide assessment of bridge and road reconstruction and replacement needs.

69 O.S. § 661(A)

#### Apportionment of Funds

Funds in the County Bridge and Road Improvement Fund shall be apportioned on the basis of a formula developed by the Department of Transportation and approved by the Department of Transportation County Advisory Board. The formula shall be similar to that previously used for the distribution of County Bridge Improvement Program funds, but shall also take into consideration

69 O.S. § 661(B)

the effects of terrain and traffic volume as related to county road improvement and maintenance costs. ODOT updates this formula, County Road Factor, on a yearly basis. CBRI funds, approximately 25 million per year, are allocated by the Tax Commission to each county monthly.

### *Use of Funds*

All consulting engineering contracts for services referred to for the CBRI Fund may be reviewed by ODOT except those contracts entered into by the county or circuit engineer. ODOT or the county or circuit engineer shall make findings on all contracts reviewed that the cost is reasonable and the firm involved is capable of performing the service within a reasonable period of time.

69 O.S. § 665(A)

The County Bridge and Road Improvement Fund's use is restricted to the following areas:

69 O.S. § 665(B)

- County bridge inspections, classifications, and evaluations, and county road inspections, classifications and evaluations for federal and state purposes
- Matching federal or state funds, provided the applicable federal or state funds are available
- Project engineering costs
- Rights-of-way acquired for projects and the relocation of utilities from the rights-of-way so acquired
- Any cost or expense for administration, program management, and engineering, including the development of appropriate local road standards that shall apply only to those roads reconstructed, maintained, or otherwise constructed with CBRI Funds, or construction supervision necessarily incurred by the ODOT or CEDs in fulfilling their duties and responsibilities for this fund
- Any cost or expense related to a comprehensive plan for signing or inventory of signs on the county road system
- The expense and related costs of employing an engineer to assist a county or counties in carrying out the daily operations of road and bridge maintenance and construction, including the employment of a circuit engineer
- All costs associated with constructing a bituminous surface treatment or gravel roadway

**Table 14-1. County Road and Bridge Funding Sources**

| Funding Source                                                       | Comments                                                                                                                                                                                              | Statute Reference                              |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>Oversight by the Oklahoma Department of Transportation (ODOT)</b> |                                                                                                                                                                                                       |                                                |
| <b>State Funds</b>                                                   |                                                                                                                                                                                                       |                                                |
| County Road Machinery and Equipment Revolving Fund                   | Administered by the County Advisory Board (CAB)<br>Averages \$4.5 million/year<br>Contact Local Government Division, ODOT                                                                             | 69 O.S. § 636.1 et seq 636.7                   |
| Industrial, historic Site, and Lake Access Funds                     | Two to three million dollars in each per year<br>Can only be used on city streets and county roads<br>Contact: Local Government Division, ODOT                                                        | Oklahoma<br>Administrative Code<br>730:10-1-14 |
| County Improvements for Roads and Bridges(CIRB)                      | Averages \$115 million per year, divided evenly between ODOT's eight Field Divisions<br>Circuit Engineering Districts develop Five-Year Construction Plans<br>Only contract projects let through ODOT | 69 O.S. § 507                                  |
| <b>Federal Funds – Federal Highway Administration (FHWA)</b>         |                                                                                                                                                                                                       | <u>MAP-21</u>                                  |
| Federal Bridge Funds                                                 |                                                                                                                                                                                                       |                                                |
| Overall Funding                                                      | Structures 20 feet or longer                                                                                                                                                                          |                                                |

**Table 14-1. County Road and Bridge Funding Sources (Continued)**

|                                                                       |                                                                                                                                                                               |                                               |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Programs                                                              |                                                                                                                                                                               |                                               |
| Surface Transportation Program (STP)<br>Funds – Bridge Replacement    | Eligibility: 50 sufficiency rating and functionally obsolete or structurally deficient<br><br>Funding Limits: Limited to 17 million dollars per year                          |                                               |
| Surface Transportation Program (STP)<br>Funds – Bridge Rehabilitation | Eligibility: bridge between 50 and 80 sufficiency rating and functionally obsolete or structurally deficient<br><br>Funding Limits: Part of the 17 million dollars limitation |                                               |
| Surface Transportation Program (STP)<br>Safety Bridge Inspection      | Mandated by the FHWA on bridge length structures<br><br>Funded with 3 million dollars per year in STP funds                                                                   |                                               |
| Surface Transportation Program (STP)<br>Funds - Roadways              | Road projects, grade, drain, and surface on county major and minor collectors<br><br>Six million dollars per year                                                             | Oklahoma<br>Administrative Code<br>730:10-3-2 |
| <b>Emergency Relief (ER) Funds</b>                                    |                                                                                                                                                                               |                                               |
| Disaster funding on Major Collectors                                  |                                                                                                                                                                               |                                               |

**Table 14-1. County Road and Bridge Funding Sources (Continued)**

| Funding Source                                                                            | Comments                                                                                                                                                                                                                                                                                                    | Statute Reference                                                      |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Oversight by the Oklahoma Cooperative Circuit Engineering Districts Board (OCCEDB)</b> |                                                                                                                                                                                                                                                                                                             |                                                                        |
| Emergency and Transportation Revolving ETR Fund                                           | 25 million dollars statewide available for cash flow<br>Must reimburse funds borrowed                                                                                                                                                                                                                       | 69 O.S. § 687.3                                                        |
| Circuit Engineering District Revolving Fund                                               | Generates approximately 3.5 million dollars per year<br>Sources of revenue are the gasoline and diesel tax, special fuel tax, gross production tax on oil, and ETR fund's interest earned                                                                                                                   | 69 O.S. § 687.2                                                        |
| <b>Oversight Directly by the Counties</b>                                                 |                                                                                                                                                                                                                                                                                                             |                                                                        |
| County Bridge and Road Improvement (CBRI) Funds                                           | Averages 25 million dollars per year (as of 2010) (105C account)<br>County built, contract projects and maintenance on roads and/or bridges<br>Sources of revenue are the gasoline and diesel tax, special fuel tax, and gross production tax on oil all disbursed directly by the Oklahoma Tax Commission. | 69 O.S. § 657                                                          |
| County Highway Fund                                                                       | Source of revenue are fuel taxes, gross production tax, and motor vehicle collections, all disbursed directly by the Oklahoma Tax Commission.<br>Averages over 306 million dollars per year (FY 2012) into the counties' County Highway Funds                                                               | 68 O.S. § 500.6<br>68 O.S. § 500.7<br>47 O.S. § 1104<br>68 O.S. § 1004 |
| County-wide sales tax for roads and bridges                                               | In FY2011, 22 counties generated 35 million dollars for roads and/or bridges.                                                                                                                                                                                                                               |                                                                        |

**Table 14-1. County Road and Bridge Funding Sources (Continued)**

| Funding Source                                                                     | Comments                                                                                                                                        | Statute Reference    |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>Oversight by the Federal Recognized Tribes</b>                                  |                                                                                                                                                 |                      |
| Tribal Funds                                                                       | Tag fees, other revenue sources, varies by Tribe                                                                                                |                      |
| Federal Funds – Bureau of Indian Affairs (BIA)                                     |                                                                                                                                                 | <b><u>MAP-21</u></b> |
| Tribal Transportation Program (roads, bridges, planning, and safety projects)      | Approximately 450 million dollars per year from the Highway Trust Fund available for 562 Tribes in the U.S.                                     |                      |
| Tribal High Priority Projects Program (road and bridge projects)                   | Approximately 30 million dollars per year from the General Fund available for 562 Tribes in the U.S.                                            |                      |
| <b>Oversight by the Federal Energy Management Agency (FEMA)</b>                    |                                                                                                                                                 |                      |
| Disaster Funds for Minor Collectors and Local Roads                                |                                                                                                                                                 |                      |
| <b>Oversight by the Substate Planning Districts – Council of Governments (COG)</b> |                                                                                                                                                 |                      |
| Rural Economic Action Plan (REAP)                                                  | FY 2011 funding is 12.4 million                                                                                                                 |                      |
| Community Development Block Grant (CDBG)<br>Other grants                           |                                                                                                                                                 |                      |
| <b>Oversight by the Natural Resources Conservation Services (NCRS)</b>             |                                                                                                                                                 |                      |
| Programs and grants                                                                | <a href="http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/">http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/</a> |                      |



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## County Auctions

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Each year ACCO CEDs hold two state-wide county surplus equipment auctions, which allow counties to reduce surplus or gain needed equipment for construction and maintaining roads and other activities.

Counties can sell surplus items by writing a resolution declaring the equipment as surplus and taking the items to the auction.

Advertisements of surplus property consigned to sell at a Circuit Engineering district auction shall be provided by the auction company under contract to conduct the sale. Advertising shall be provided to attract the most potential buyers. Advertising media may include, but is not limited to sale flyers, newspapers, radio, television, and Internet postings.

Refer to [Chapter Thirteen, Duties of the County Commissioner: Circuit Engineering Districts](#), for more information on auctions.

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## References

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The following reference items can provide more information about county road and bridge construction and maintenance.

[The National Association of County Engineers \(NACE\) Handbook on Training for Road Department](#) provides the road department head with information on training crew foremen and their crews. A Trainer's Guide provides tips for the trainer of the foremen and crews.

The Asphalt Institute is an excellent source for reference material. Their handbook, *Asphalt Pavement Maintenance*, may be obtained from the Asphalt Institute, P.O. Box 4039, 4507 John F. Kennedy Boulevard, Little Rock, Arkansas, 72116.

The *Action Guide Series of Handbooks* published by NACE is the result of participation by over 100 County Engineers. It discusses topics from cost records and budgets to subsurface soils exploration. This information can be obtained by contacting the [Center for Local Government Technology](#).

NACE has also published a Training Guide Series that may be very useful reference material for County Commissioners:

- *Handbook on Training for Road Department/Trainer's Guide*
- *Blading Aggregate Surfaces*
- *How to Talk and Communicate at the Same Time*
- *Improving Traffic Maintenance*
- *Maintaining Bridges After Inspection*
- *Tips for Conserving the Environment and Energy*

This series can be purchased from the [Center for Local Government Technology](#).

The [Center for Local Government Technology](#) can also answer questions and provide assistance

## Chapter Fifteen

# Duties of the County Commissioner: Community Services

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Students at an LTAP motor grader class in Enid watch a demonstration.

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## Community Services

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Community services are programs that the county establishes to increase the quality of life for county residents. For example, some Oklahoma towns are too small to have their own fire departments. The county can establish a fire protection district to serve that small town and the area around it. The county can also coordinate with cities to provide joint services that the city or county could not provide alone, such as a county health department.

This chapter identifies community services in the county and provides information for County Commissioners on providing these services to county residents.

OSU Extension Fact Sheet No. 801, Rules and Regulations Governing Emergency Medical Service; Extension Fact Sheet No. 841, Planning A Rural Fire Truck Service; and Extension Fact Sheet No. 844, Planning a Rural Fire Protection Service would be helpful to County Commissioners regarding community services. The fact sheets can be accessed at <http://pods.dasnr.okstate.edu/docushare/dsweb/HomePage>.

### *Community Service Districts*

At the first session each year of the Board of County Commissioners, the board elects one of its members as the chairman. This person serves as chairman for the entire year, providing the individual remains in office during that year. In case of a vacancy for any reason, the board elects another chairman.

A community service district includes the area that is served by the community service. For example, if citizens of a small town or an area want to establish a fire protection district, they must present a map of the area to be included in the district. Community service districts will not necessarily conform to County Commissioners' districts.

Two types of community service districts are provided by Oklahoma law:

- Districts financed through millage tax levies

- Districts not financed through millage tax levies

## Special Millage Districts

Districts financed through millage tax levies are called special millage districts. Special millage districts require a special election and must be approved by the voters in the proposed district area. Table 15-1 shows the methods used to create the various special millage districts.

Oklahoma Law allows for the following seven special millage districts.

### 1. Emergency medical service districts

Emergency medical service districts provide ambulance service to rural areas. The Board of County Commissioners can call a special election, or ten percent of the registered voters in the area can present a signed petition to the board to call an election.

If the voters approve the emergency medical service district, they are also approving a tax levy not to exceed 3 mills to provide funds to support, organize, operate, and maintain the district.

Once the district is approved, the Board of County Commissioners create a Board of Trustees, which has five members appointed by the board. This Board of Trustees can adopt rules and procedures and contract provisions necessary to provide emergency medical services.

Oklahoma Constitution  
Article 10, § 9C  
19 O.S. §§ 1704~1723

### 2. Solid waste management districts

A solid waste management district provides landfills and trash collection for rural areas. A solid waste management district can be established in two ways:

- 10% of the registered voters of the area must submit a signed petition asking the Board of County Commissioners to provide solid waste disposal services. The board can then call a special election.
- The Solid Waste Planning Board of the area (which is created by the Board of County Commissioners) can draw up an agreement stating the legal boundaries of the proposed district and recommend to the Board of Commissioners that they call an election.

Oklahoma Constitution,  
Article 10, §27A  
27A O.S §§ 2-10-101, 2-10-102,  
2-10-103,  
2-10-201 et seq ~2-10-205.1,  
2-10-301 et seq ~2-10-308.1,  
2-10-401, 2-10-402,  
2-10-701, 2-10-801, 2-10-802,  
2-10-803, 2-10-804, 2-10-805,  
2-10-901~2-10-902, 2-10-1001

If the majority of the voters living in the area approve the solid waste management district, they also approve imposing a 3 mill tax levy to support the district. The district and the tax levy begin immediately after the election.

In addition to the tax levy, the new district may also need to finance itself in other ways:

Oklahoma Constitution,  
Article 10, § 9D

- \* The Board can charge a user fee to persons who use the services provided by the district.
- \* The district can issue bonds. These bonds must be of an amount such that an additional 3 mill levy of ad valorem tax (additional to the 3 mills mentioned above) will be sufficient to pay off the principal and interest.

The county can also call another special election for approval to issue bonds for the following purposes:

- \* To acquire vehicles, equipment, and other necessary items
- \* To purchase landfill sites
- \* To finance construction landfills, transfer stations, or other facilities for solid waste management, disposal, and recycling



**Any landfill that a county develops must comply with all Oklahoma Department of Health regulations.**

- \* To operate and maintain all of the above listed items

The solid waste management committee governs the new solid waste management district.

### 3. Fire protection districts

Fire protection districts provide fire department services to rural areas. To establish a fire protection district, 25 % of the land titleholders outside of any city or town must present a signed petition to the Board of County Commissioners and request the board to call a special election. The land

19 O.S. §§ 901.1 et seq-901.61

titleholders must also provide the board with a map of the proposed district and a bond to cover the special election costs.

The board must publicize for two weeks their intent to hold a special election in a newspaper with circulation in the area. The board must also hold a public hearing within twenty and not more than forty days after they receive the initial petition. If the board believes that the fire protection district is in the best interest of the area after the hearing, they must call an election in a newspaper of general circulation in the area.

19 O.S. § 901.2

19 O.S. § 901.3

19 O.S. § 901.4

If the voters approve the district, the board declares the area a fire protection district and establishes a Board of Directors for the district. The Board of County Commissioners must pass a *Resolution Providing Approval by the County Commissioners*. The board appoints three directors to serve until the next general election, at which time the voters will elect a new Board of Directors.

19 O.S. § 901.5

The Board of Directors of the district must develop a budget. After they determine the capital needs, the Board of Directors asks the County Clerk to call an election to determine whether the district will issue bonds for the amount of capital investment needed.

19 O.S. § 901.7

If the voters approve the bonds, the Board of County Commissioners levies an assessment that is sufficient to pay the annual interest on the bonds and equal to the amount required to retire the bonds for each year.

In addition to issuing bonds, the new district can impose a tax levy to support itself. The Board of County Commissioners levies an annual assessment sufficient to cover the cost of operating the district, maintaining the fire department and its equipment, and paying the district employees' salaries. This assessment cannot exceed seven mills on the dollar of the assessed value of the property in the district.

19 O.S. § 901.19



**In this type of financial arrangement, all assessments legally levied by the district are a lien on the property until they are paid.**

#### 4. County health departments

A county health department provides health programs and health education in rural areas. Unlike other community service districts, the county health department is used and paid for by the entire county. The county board of health (Refer to [Chapter Fourteen, Duties of the County Commissioner: County Offices, Boards, and Departments](#)) can decide, with the approval of the Oklahoma Commissioner of Health, to establish a county health department.

Oklahoma Constitution,  
Article 10, §9A

63 O.S. §§ 1-201 et seq ~ 1-223

In addition to funds that the County Excise Board may appropriate, the county can hold an election to levy a property tax to provide funds for a county health department. If the voters approve the tax, the county imposes a tax levy of up to 2 ½ mills to support the district.

The County Health Board maintains the new county health department and the department operates under a Medical Director.

63 O.S. § 1-202  
63 O.S. § 1-205

A county health department maintains a wide variety of health and safety programs, services, and facilities all authorized by law.

63 O.S. §§ 1-201 et seq ~ 1-223

- \* Disease prevention and control
- \* Health education
- \* Guidance/Counseling
- \* Maternal and child health care, including schools
- \* Health at work
- \* Nutrition
- \* Care for the chronically ill and the aged
- \* Vital records and statistics
- \* Mental health care
- \* Day care centers



\* Nursing, convalescent, and rest home supervision

5. County hospitals

A county hospital provides hospital services for the county. Unlike other community service districts, a county hospital is used and paid for by the entire county. If a county wants to establish a county hospital, the Board of County Commissioners can call an election, either on its own or at the request of 20% of the voters in the area who present a signed petition to the Board requesting an election. The Board must publish notice of the election in two daily or weekly newspapers in the county before they can hold the election.

19 O.S. §§ 781, 782

If the voters approve the county hospital, they also give the district the right to issue bonds and impose tax levies. The district can issue bonds to pay for purchasing a site and constructing the hospital. The law also allows for an additional levy of ¼ mill to pay for the care of county charity patients.

19 O.S. §§ 784, 785, 786

After the voters approve the new district, the Board of County Commissioners must either lease the building to a non-profit charitable organization or establish a Board of Control to manage the hospital. The Board of Control must present a financial statement to the Commissioners at the end of each fiscal year; this statement certifies the tax levy they need to maintain the hospital. The Oklahoma Statutes define the powers and duties of the Board of Control.

19 O.S. § 789

19 O.S. § 790.1

6. Sewer improvement districts

A sewer improvement district provides a sewage treatment plant and sewer pipes to rural areas. If a county wants to establish a County Sewer Improvement District, 50 residents of the area in question or a majority of land titleholders must present a signed petition to the Board of County Commissioners, requesting them to call an election.

19 O.S. §§ 871 et seq ~883

Before the Board can call an election, they must publicize their intent to hold a public hearing in a newspaper for ten days, and then hold the hearing. If after the public hearing, the Board still feels the Sewer Improvement District is in the best interests of the area, they must publicize the election in a newspaper for two weeks before the election.

If the voters approve a sewer improvement district, they also approve imposing a tax levy. The Board can levy an annual assessment that will pay for the cost of the district's operation, repair, and maintenance. This assessment cannot exceed 10 mills.

19 O.S. § 890

The district can also call another election to determine whether they can issue bonds. If the voters approve the sale of bonds, the Board must levy another annual assessment to retire the interest and principle of the bonds.

19 O.S. § 884

After the voters approve the sewer improvement district, the Board of County Commissioners must appoint a Board of Directors to maintain the district.

19 O.S. § 874

#### 7. Rural road improvement districts

A rural road improvement district provides better roads for residents of rural areas. If a county wants to establish a Rural Road Improvement District, ten land titleholders located outside any corporate limits of a city or town can petition the Board of County Commissioners to call an election.

19 O.S. §§ 902.1 et seq ~902.19  
19 O.S. § 902.2

Before the Board can call an election, they must publicize their intent to hold a public hearing in a newspaper for two weeks, and then hold the hearing between 20 and 40 days after they received the initial petition. If after the public hearing, the Board still feels that a rural road improvement district is in the best interests of the area, they must publicize the election in a newspaper for two weeks before the election. If voters of the area approve the new district, the Board officially declares the area a rural road improvement district.

19 O.S. § 902.3

19 O.S. § 902.4  
19 O.S. § 902.5



**Counties can also establish a road improvement district without a millage levy. This road improvement district is discussed in the next section of this chapter.**

After the voters approve the district, the district can call another election to determine whether or not they will issue bonds to cover the estimated amount for road improvements. The district pays these bonds and any other debts they incur with revenue from the ad valorem-taxed property of the district.

19 O.S. § 902.12  
19 O.S. § 902.15

The Board can also levy an assessment of 3 mills for the operating costs of the district.

19 O.S. § 902.16

When the Board declares the area a rural road improvement district, they also must set the date for the first meeting of the property owners within the district. These property owners then elect nine directors from among themselves to form a Board of Directors to manage the district.

19 O.S. § 902.6

A county cannot establish a special millage district without holding an election for the people who live within the proposed district.

### *Special Districts Without a Millage Levy*

The Oklahoma Statutes provide for two other types of districts. These districts do not use property taxes for support. The people who benefit from the services pay for them.

#### 1. Road improvement districts

Similar to many special millage districts, the *Oklahoma Statutes* provide two ways for the Board of County Commissioners to call an election for a road improvement district. The first involves only the Board, and the second requires a petition.

19 O.S. § 1230

- \* If the Board determines a need for a road improvement district, they must publicize for two weeks their intent to form one. During the two weeks, titleholders can file protests. If more than 40% of the titleholders file protests within 15 days of the last publication date, the Board cannot form the district. If less than 40% of the titleholders file protests, the Board must hold a public hearing. After the hearing, titleholders have 15 more days to protest. If they do not, the Board can begin forming the road improvement district.
- \* 60% of the recorded titleholders of the area in question must petition for a road improvement district. Their petition must contain the following information:
  - ♦ A list of titleholders
  - ♦ A plat of the area showing each parcel affected

19 O.S. § 1234

19 O.S. § 1235

19 O.S. § 1236

The preliminary plans, specifications, and estimated cost of the road construction

- Upon receiving the petition, the board must pass a resolution stating their intent to establish the district and begin the proposed project. Titleholders then have 15 days to file protests. If no valid protests are filed, the Board can begin forming the road improvement district.

19 O.S. § 1236

The Board must follow certain steps to form the district:

- a. They must pass a resolution that states the following information:
  - \* No valid protests were filed.
  - \* They affirm that they intend to proceed with the project.
  - \* They request that the engineer submit detailed plans, specifications, and cost estimates.
- b. Then, they must pass a resolution, within six months of the date on which the titleholders filed the original petition, which encompasses the following statements:
  - \* They accept the engineer's plans.
  - \* They require the contractor to execute a bond to ensure completion of the project and protect the county and all titleholders from any loss or damage.
  - \* They require a maintenance bond against any failure due to defective workmanship or material for a period of not less than one year.
  - \* They direct the County Clerk or the Purchasing Agent to advertise for sealed bids.
- c. After the required time, the Board must open the bids and select the lowest and best bid. That bid cannot exceed the amount of the final estimate. The Board cannot award the contract until the bonds mentioned above are approved.
- d. Within ten days after the contractor or crew completes the project and determines the final cost, the Board, by resolution, must direct the County Assessor to appraise and apportion the cost to the various titleholders.

19 O.S. § 1238

19 O.S. § 1239

19 O.S. § 1240

19 O.S. § 1242

Within ten days after the County Assessor completes the assessment roll, the titleholders can file protests. The Board reviews any protests and makes a ruling on their validity.

Titleholders must pay their assessments in ten annual installments with an interest rate not to exceed 13% per annum. The Board must levy these assessments by

19 O.S. § 1247

resolution. This resolution must allow titleholders to pay their entire assessment within 30 days without interest.

2. Rural water, sewer, gas, and solid waste management districts

82 O.S. §§ 1324.1-1324.30

The Oklahoma Statutes allow counties to form rural water districts, rural sewer districts, rural gas districts, and rural solid waste management districts to provide rural areas with better water supplies, gas distribution facilities, sewage disposal facilities, and solid waste management systems. If a county wants to establish one or more of these districts, at least two landowners must petition the Board of County Commissioners. The Board then schedules a public hearing. The hearing must be publicized for two weeks. If after the hearing the Board believes that the area needs one or more of these districts, they can declare the area a rural water, sewer, gas, or solid waste management district.

82 O.S. § 1324.3

82 O.S. § 1324.4

82 O.S. § 1324.5

82 O.S. § 1324.6

82 O.S. § 1324.9

82 O.S. § 1324.16

After the district is formed, the property owners within the area meet and elect from among themselves a Board of Directors to manage the new services. This Board must have nine members.

82 O.S. § 1324.7

The new district will support itself through user fees. Each person who uses the new services must pay a share of the operating costs and other basic financial needs of the services. The district has no power to levy any taxes or make assessments on any property.

82 O.S. §§

1324.10, 1324.11, 1324.12

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## Emergency Medical Service Coverage

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By April 1, 2011, each county of this state with a population of five hundred thousand (500,000) people or less according to the last Federal Decennial Census shall present to the State Department of Health an emergency medical services plan. The plan for each county shall be developed by the Emergency Response Systems Development Advisory Council of the State Department of Health and each county emergency services advisory board which shall be comprised of the county commissioners of each county or their designees. The following items should be included in the plan:

19 O.S. § 1203

- 1. Address funding issues;
- 2. Ensure countywide emergency medical services coverage; and
- 3. Address county boundaries to ensure 9-1-1 operators are able to provide quick response.

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## County Libraries

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The Oklahoma Statutes permit the County Excise Board to authorize an annual levy of up to one-half of one mill on all taxable property in addition to other levies to establish, extend, operate, and maintain a county circulating library. If a county has less than 15,000 persons, the Board of County Commissioners has the authority to use these funds in cooperation with any city library to form a joint county and city library.

63 O.S. § 1-223

19 O.S. § 1203

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## Care of the Indigent

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The Oklahoma Statutes designate the Board of County Commissioners as overseers of the indigent. Every county is mandated to relieve and support all indigent persons who lawfully reside in that county. In counties of population over 200,000, the Board can set up a department to provide services to the indigent and hire a director.

56 O.S. §§ 31, 32, 32.1, 32.2, 33

The Board of any county can establish an indigent care facility by purchasing land, and/or erecting, renting, or improving buildings. It can also solicit proposals from outside sources for indigent care.

56 O.S. §§ 33, 34

The Board of County Commissioners is responsible for granting temporary relief for persons who are ill or in distress who do not have money to pay for care. The Board is responsible for providing burial services for any person who dies within the county who does not have money or means to pay for funeral expenses.

56 O.S. § 54

City-county health department or county pharmacies may receive unused prescription drugs from nursing facilities for distribution to the medically indigent. Counties may also provide money for medicine.

59 O.S. § 367.3

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## Flood Plain Management

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The Board of County Commissioners is authorized by statute to establish floodplain boards for their counties, which may adopt, administer, and enforce floodplain management regulations.

82 O.S. §§ 1604 et seq~1618

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## Federal Aid with Community Services

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The federal government has organized a database to help counties find federal aid programs for community services. The Federal Assistance Programs Retrieval System (FAPRS) is a computerized system that can provide information to the Board of County Commissioners about federal aid for which their communities are eligible. In Oklahoma, counties can use FAPRS by contacting the Oklahoma Cooperative Extension Service at Oklahoma State University. With FAPRS, counties can use a computer to access information on available federal assistance for a specific community project.

Information is also available for the following categories:

- Community facilities
- Business and industrial development
- Planning and technical assistance
- Housing
- Education
- Employment
- Health
- Social services programs

Each of these categories has several subcategories. Counties can choose a category and a subcategory and request a printout by program name and number of all the relevant programs for which the county may be eligible.

While it does not guarantee eligibility of any specific project or availability of program funds, FAPRS can serve as a valuable research aid in identifying possible sources of federal assistance. More detailed information about FAPRS can be found in the OSU Extension Facts 832, which is available through the Oklahoma Cooperative Extension Service at OSU.

65 O.S. §§ 4-201, 4-202, 4-203, 4-204, 4-205, 4-206

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## Community Services Assistance

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### *Oklahoma Cooperative Extension Service*

The [Cooperative Extension Service](#) can provide information to the Board of County Commissioners about many rural development programs including the following examples:

- Economic development including community assessments and strategic planning
- Broadband access and use
- Entrepreneurship
- Customer service
- Food and agricultural products
- Infrastructure and community services including community health needs assessment, waste management, and housing issues
- Leadership development and civic engagement
- Local government including county officials training and technical assistance (the County Training Program at Oklahoma State University)

The OCES can provide information on how a county could establish these programs, how much they would cost, how much revenue they might provide, and other helpful information.

### *Center for Local Government Technology*

The [Center for Local Government Technology \(CLGT\)](#), an outreach function of the College of Engineering, Architecture and Technology (CEAT) at Oklahoma State University provides training, technical assistance and local government advocacy for county commissioners through several programs.

- CLGT's Local Technical Assistance Program (LTAP) provides classes that relate to the maintenance, construction, and planning of transportation systems. LTAP's core curriculum, the



Roads Scholar Program, provides 120 hours of instruction that directly relates to County Commissioner's, county road superintendents, and county road worker's duties and responsibilities. LTAP also offers technical assistance on transportation related issues and can access CEAT resources when necessary.

- Working directly with LTAP is CLGT's Transportation Intern Program (TIP). TIP places student from transportation related degree programs in paid summer internships. Several of the interns over the years have worked directly for county road districts or indirectly for them through the Circuit Engineering Districts. Each winter, county governments are asked to submit applications to host an intern for the summer.
- CLGT's Tribal Technical Assistance Program (TTAP) provides training and technical assistance to the Oklahoma tribal transportation departments with which many county government work directly. As a result, often TTAP is involved in county transportation issues.
- The Rural Transit Assistance Program (RTAP) at CLGT provides training, technical assistance and oversight functions to the rural transit systems located in many Oklahoma counties.

### ***Oklahoma Association of Regional Councils***

Eleven regional councils exist in Oklahoma through the Oklahoma Association of Regional Councils. The following services and programs are examples of assistance that may be provided by these councils:

- Supportive Services
- Resource Conservation and Development
- Community and Economic Development
- Workforce Development
- Resource Management
- Public Safety and Analysis
- Environmental Services

## ***Development Acts***

Several development acts have been created by statute to provide for various types of development in certain areas. These acts usually offer certain incentives and exemptions, for example, taxation exemptions.

### **The Oklahoma Housing Reinvestment Program Act**

The purpose of the Oklahoma Housing Reinvestment Program Act is to encourage reinvestment in housing in those areas for which a demonstrated need for housing exists, but is not met through existing public and private efforts.

62 O.S. §§ 881, 882, 883,  
884, 885, 886, 887,

A municipality or county may provide an exemption from ad valorem taxes in a housing reinvestment district under certain conditions.

### **The Oklahoma Rural Housing Incentive District Act**

The purpose of the Oklahoma Rural Housing Reinvestment Act is to encourage the development and renovation or housing in rural municipalities and counties. These districts may only be created in a municipality or county with a population of less than 300,000, and in which the percentage change in population is less than the national average.

62 O.S. §§ 870 et seq ~-880

### **The Local Development Act**

The Local Development Act provides for taxation exemptions and incentives for the planning, financing, and development and redevelopment within certain areas of the state.

62 O.S. §§ 652 et seq ~-664

## ***Other Sources***

In addition to the programs listed above, assistance from other sources is also available:

- [State Fire Marshall's Office](#)
- [Oklahoma State University Fire Training Department](#)
- [Oklahoma Department of Health, Emergency Medical Division](#)
- [State Highway Department, Highway Safety Program](#)
- [Oklahoma Trauma Research Society](#)

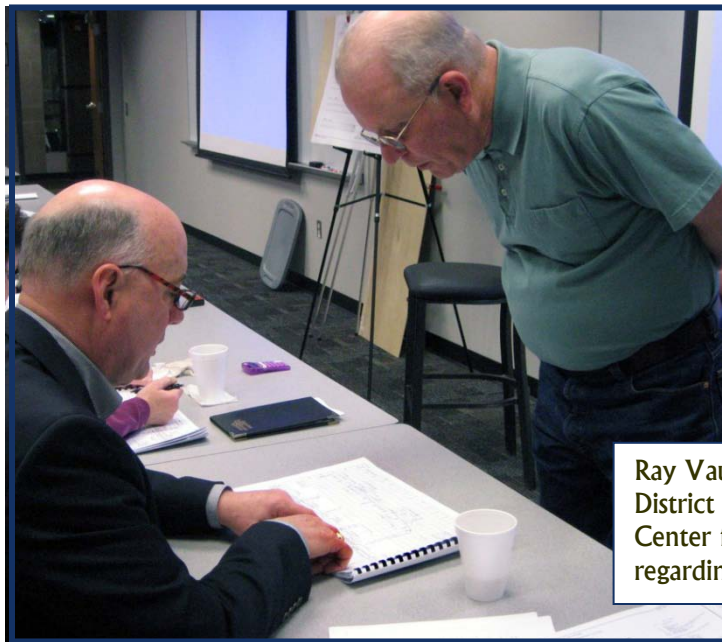
- [Oklahoma Department of Health, Environmental Health Services](#)
- [Oklahoma Department of Industrial Development](#)
- [Physician Placement Office, Oklahoma College of Osteopathic Medicine](#)
- [Office of Physician Placement, University of Oklahoma Medical School](#)
- [Oklahoma Career Technology Centers](#)
- [Rural Development, USDA](#)
- [Business Assistance Centers for Oklahoma](#)

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## Chapter Sixteen

# Duties of the County Commissioner: County Offices, Boards and Departments

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Ray Vaughn, Oklahoma County Commissioner, District 3 (left), asks a question of Jodie Paden, Center for Local Government instructor, regarding board policy.

One of the responsibilities of the Board of County Commissioners is to establish personnel policies for county employees. Therefore, the Board needs to understand the organization and duties and responsibilities of all county offices and county boards and departments. This chapter explains the County Commissioners' tasks and responsibilities in working with these entities.

Many of these duties are discussed in greater detail in other chapters in this handbook. Please refer to [Chapter One, \*County Government in Oklahoma\*](#), and [Chapter Three, \*The County Budget Process\*](#) for more information on county offices, boards, and departments. [Table 16-1](#) shows the County Commissioners' role related to county officers and county boards and departments.

[Chapter Ten, \*Duties of the County Commissioner: County Administration\*](#), explains the County Commissioners' duties and responsibilities for personnel policies and other county management.

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## The County Board System

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### *The Board of County Commissioners*

The Board of County Commissioners meets and holds sessions to transact business on the first Monday of each month. The meetings are held in the County Courthouse, at the county seat, and this board may remain in session for as long as the public business requires.

Please refer to [Chapter Eight, \*Duties of the County Commissioner: Meetings\*](#), for more information on holding public meetings.

The Board of County Commissioners is involved in some way with almost all other county boards and departments. The Board must approve estimates of need and apportion funds to many county boards and departments. The Board also appoints members on many of the county boards and departments. The County Commissioners themselves are sometimes members of various other boards.

**Table 16-1. Relationship of County Commissioners to  
County Offices and County Boards and Departments**

| Office, Board or Department                 | Board of County Commissioners Role                                   | Statute Reference                         |
|---------------------------------------------|----------------------------------------------------------------------|-------------------------------------------|
| Board of Control of Hospital                | Appoints board members                                               | 19 O.S. § 789                             |
| Board of Tax Roll Corrections               | Chairman of Board of County Commissioners is chairman.               | 68 O.S. § 2871(B)                         |
| Circuit Engineering Districts (CED) Board   | Partner with other counties to form CED, serve on board              | 69 O.S. § 687.1(J)                        |
| City/County Parks and Recreation Department | May contract with city to form department.                           | 11 O.S. § 33-103                          |
| Community Sentencing Planning Council       | Appoints member of Board of County Commissioners to council          | 22 O.S. § 988.5                           |
| County Assessor                             | Receives monthly Report<br>Chairman of Board of Tax Roll Corrections | 68 O.S. §§ 2814, 2815                     |
| County Board of Equalization                | Appoints one member                                                  | 68 O.S. §§ 2861, 2862, 2863               |
| County Board of Health                      | Board of County Commissioners appoints two or four members           | 63 O.S. §§ 1-201, 1-105e, 1-105f, 1-106.1 |
| County Board of Public Welfare              | Provides office space.                                               | 56 O.S. § 189a                            |
| County Emergency Management Program         | Appoints director                                                    | 63 O.S. §§ 683.11, 683.12                 |

**Table 16-1. Relationship of County Commissioners to  
County Offices and County Boards and Departments (Continued)**

| Office, Board or Department | Board of County Commissioners Role                                                                                                                                                | Statute Reference                |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| County Clerk                | Serves as Secretary to the Board of County Commissioners                                                                                                                          | 19 O.S. §§ 250, 284, 286         |
| County Court Clerk          | Receives regular reports                                                                                                                                                          | 12 O.S. §§ 22, 24, 29            |
| County Election Board       | Receives report from the Secretary to the County Election Board not less than 35 days prior to an election. Not less than 15 days prior to an election, sends funds for election. | 11 O.S. § 33-103                 |
| County Engineer             | Hires and employs                                                                                                                                                                 | 69 O.S. § 687.1                  |
| County Excise Board         | Same members as County Equalization Board. Board of County Commissioners appoints one member.                                                                                     | 68 O.S.<br>§§ 3005.1, 3006, 3007 |
| County Extension Office     | Works with Oklahoma State University                                                                                                                                              | 70 O.S. § 3418                   |
| County Law Library          | Provides funding and space                                                                                                                                                        | 20 O.S. § 1208                   |
| County Library Commission   | Appoints members                                                                                                                                                                  | 65 O.S. § 154                    |
| County Public Defender      | Appoints defender                                                                                                                                                                 | 10 O.S. § 24                     |
| County Retirement Board     | Appoints members                                                                                                                                                                  |                                  |



**Table 16-1. Relationship of County Commissioners to  
County Offices and County Boards and Departments (Continued)**

| Office, Board or Department             | Board of County Commissioners Role                                                                      | Statute Reference                     |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------|
| County Sheriff                          | Receives monthly reports                                                                                | 19 O.S. §§ 513, 514,<br>516, 526, 545 |
| County Treasurer                        | Delivers signed warrants to the County<br>Treasurer and receives financial statements                   | 19 O.S. §§ 623, 624, 625              |
| District Attorney                       | Provides office space to D.A.<br>Uses as legal counsel                                                  | 19 O.S. §§ 215.1, 215.4               |
| Fair Board                              | Appoints members if vacancy occurs                                                                      | 2 O.S. §§ 15-51, 15-52, 15-111        |
| Flood Plain Management Board            | Initiates board, appoints members                                                                       | 82 O.S. § 1604                        |
| Local Emergency Planning Council (LEPC) | Creates council, appoints members                                                                       | 27A O.S.<br>§§ 4-2-102, 4-2-103       |
| Planning Commission                     | Creates the Planning Commission by<br>resolution; appoints members                                      | 19 O.S. §§ 865.52,<br>865.53, 865.69  |
| 911 Board                               | Initiates board, supplies service in designated<br>area, oversees operations of 911 system and<br>funds | 63 O.S. § 2818.4                      |
| Trust Boards                            | Appoints board members                                                                                  | O.S. Title 60                         |

## ***County Excise Board***

### **General**

The County Excise Board meets at the county seat on the first Monday of July each year to organize and elects a chairman and vice-chairman to perform excise duties for that fiscal year. The County Clerk serves as Secretary to the County Excise Board and complies with public notices and publication of proceedings as required by law. Please refer to [Chapter Eight, \*Duties of the County Commissioner: Meetings\*](#), for more information on notices.

68 O.S. § 3006

### **Abstract of Assessments**

Within ten days after the County Assessor receives the certificates of assessment of all property in the county from the State Board of Equalization, the County Assessor prepares and files an abstract of the assessed valuations with the County Clerk as secretary of the County Excise Board. This abstract is the valuation figure used by the County Excise Board in the budget process.

68 O.S. § 2867

### **Budgets**

Annually, the County Excise Board provides an estimate of anticipated revenues to county officers and meets with each officer before July 1 each year to discuss personnel needs for the next fiscal year.

The Board of County Commissioners, the governing bodies of cities and towns, and the governing boards of each school district submit an “estimate of needs” for their respective units of government to the County Excise Board. This board examines these estimates, makes temporary appropriations (except in budget board counties), obtains necessary justifications, determines statutory compliance, and ensures that these needs are within anticipated revenues. After the County Excise Board approves the various budgets, they are filed with the Office of the State Auditor and Inspector. One copy is kept on file in the County Clerk’s office.

19 O.S. § 445  
19 O.S. §§ 180.65(G), 444  
68 O.S. § 3007

In counties with Budget Boards, the budget process is handled differently. Duties of county offices related to the budget process are discussed in detail in [Chapter Three, \*The County Budget Process\*](#).

68 O.S. § 3022

## Training

Each member of the County Excise Board is required to successfully complete a course of instruction of at least six hours within 18 months of appointment for the first four years of service and three hours of instruction for every four years of service after the initial four-year period.

68 O.S. § 3006 (C)

The course of instruction shall include the duties and responsibilities of the County Excise Board, including duties and responsibilities related to authorized millage rates imposed by local taxing jurisdictions, and the course shall be offered by or approved by the Oklahoma State University Cooperative Extension Service.

## Property Valuations

### Notice of Increase in Valuation

Whenever the County Assessor increases the fair value of property reported by the owner, or the fair cash value of real property from the preceding year, a change in valuation notice must be mailed to the owner. The change in valuation notice must include the following information:

68 O.S. § 2876

- Fair cash value for the preceding and current years
- Assessment rate for the preceding and current years
- Assessed value for the preceding and current years

### Protests (Written Complaints)

Taxpayers may file a written complaint with the County Assessor specifying objections to the County Assessor's actions. To be a valid protest, the taxpayer's written complaint must be filed within the following timeframe:

- Within 20 working days from the mailing date of the notice of an increase in assessed valuation, a written complaint must be filed with the County Assessor.
- By the first Monday in May for a real property assessment not increased above the previous year, a written complaint must be filed with the County Assessor.

- By the first Monday in May for personal property added by the County Assessor, a written complaint must be filed with the County Assessor.

68 O.S. § 2877

Any complaint must be made on a form prescribed by the Oklahoma Tax Commission.

The County Assessor has to schedule an informal hearing with the taxpayer to hear the protest. The County Assessor has five working days after the hearing to make a final decision on whether an adjustment should be made and send a written notice to the taxpayer.

The County Clerk is required to prepare and maintain a record of the hearing and record all complaints, decisions, and orders of this board. This information becomes part of the record of any case that is appealed to the District Court.

68 O.S. § 2880.1

### **Appeals of County Assessor's Determinations**

If the taxpayer is not satisfied with the County Assessor's determination, the taxpayer has ten working days to file an appeal with the County Board of Equalization. The appeal is filed with the County Clerk as secretary of the board on a form prescribed by the Oklahoma Tax Commission. One copy of the form is mailed or delivered to the County Assessor, and one copy is mailed or delivered to the County Board of Equalization.

68 O.S. § 2876

### **Hearings of County Board of Equalization**

The County Board of Equalization sets a hearing date upon receiving an appeal from action by the County Assessor. When hearing an appeal, this board can perform the following actions:

- Take evidence pertinent to the protest
- Subpoena witnesses
- Subpoena books, records, and papers

The County Clerk is required to prepare and maintain a record of any hearing and record all complaints, decisions, and orders of this board. This information becomes part of the record of any case that is appealed to the District Court. (See Appeals of County Board of Equalization Determinations below.)

68 O.S. § 2880.1

## ***County Board of Equalization***

### **Overview**

The County Board of Equalization has three members appointed in the following manner:

68 O.S. § 2861

- One member is appointed by the Oklahoma Tax Commission.
- One member is appointed by the Board of County Commissioners.
- One member is appointed by the district judge(s).

The tenure of the County Board of Equalization must be the same as that of the first and third County Commissioners' districts. Not more than one member can live in one County Commissioner's district.

The County Board of Equalization's primary duty is equalization. Each year this board goes into session to equalize that year's assessment roll to ensure the following items:

68 O.S. § 2864

- That all non-agricultural real property is appraised at its fair cash value according to its use
- That all agricultural real property is valued at its use value
- That all personal property is listed at its fair cash value

Use value is the appraisal of property in its actual use. The role of the County Board of Equalization is to maintain equity in the county's property tax structure.

The County Clerk serves as secretary and complies with all public notices and publications of proceedings as required by law.

68 O.S. § 2861

### **Training**

Each member of the County Board of Equalization must successfully complete a course designed to instruct members about the duties imposed on this board by law. The course must be developed by the [Center for Local Government Technology](#) at Oklahoma State University. Failure of a County Board of Equalization member to successfully complete the course within 18 months of the date

68 O.S. § 2862

when the member was appointed will result in forfeiture of the office. The vacancy must be filled in the manner provided by law.

### Sessions

The session period for a County Board of Equalization varies according to the assessed valuation of the county. Table 16-2 shows the session periods related to assessed valuation.

68 O.S. § 2863

**Table 16-2. County Board of Equalization Session Periods Related to County Assessed Valuation**

| Assessed Valuation                         | Session Periods                                                                                                                |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Greater than 1,000,000,000 Billion Dollars | Regular Session:<br>4 <sup>th</sup> Monday in January<br>and ending no later than May 31<br>Special sessions June 1 to July 31 |
| Up to 1,000,000,000 Billion Dollars        | Special Session:<br>March 1 to March 31<br>Regular Session:<br>April 1 to May 31                                               |

68 O.S. § 2863(A)

### Regular Session Duties

The Chairman of the County Board of Equalization is empowered to schedule the meetings held during the regular session. If the Chairman fails at any time to schedule these meetings, then the remaining two members, by agreement, schedule the meetings.

68 O.S. § 2863

The County Board of Equalization equalizes, corrects, and adjusts the assessment roll during a regular session. The County Assessor is required to have the assessment roll before this board by the

fourth Monday in April. This board acts as a quasi-judicial body during the regular session to hear and settle protests from taxpayers. The boards' specific duties and authorities include the following items:

- To equalize, correct, and adjust the assessed valuation of real property by raising or lowering the property's valuation, of any taxpayer to conform to the fair cash value of the property, as defined by law.
- To add omitted property
- To cancel assessments of property not taxable
- To hear all grievances and protests filed with the board's secretary
- To review all homestead exemption applications

### Special Sessions

A special session is permitted if the County Board of Equalization determines that the number of protests filed is more than can be heard or settled during the regular session. No business can be carried out during the special session other than hearing or settling protests.

68 O.S. § 2863

### Duties

In addition to the specific duties and authorities listed above, each County Board of Equalization must also cooperate with and assist the County Assessor in performing the duties imposed on the County Assessor by the statutes: to ensure that the required records are fully and accurately prepared and maintained, and that they agree with the assessed valuations of the county's real property.

After the records have been prepared and the assessed valuations adjusted, the County Board of Equalization must not raise or lower the assessed valuation of any parcel or tract of real estate without hearing competent evidence justifying the change, or until at least one member of the board or a person designated by this board has made a personal inspection of the property and submitted a written report to this board. Under no circumstances can the County Board of Equalization make any changes if those changes are inconsistent with the equalized value of other similar property in the county.

68 O.S. § 2863(C)

## **Appeals of County Board of Equalization Determinations**

Both the taxpayer and the County Assessor have the right to appeal a decision of the County Board of Equalization to the District Court and to the Supreme Court. A notice of appeal to the District Court must be filed with the County Clerk within ten days from the date the County Board of Equalization adjourns.

68 O.S. § 2877

The District Attorney represents the County Assessor in an appeal. Upon the request of the District Attorney or the County Assessor, an attorney from the Oklahoma Tax Commission must appear on behalf of the County Assessor. The Board of County Commissioners and the County Excise Board have the mandatory duty to provide the County Assessor with funds to pay the costs incurred when appealing to the courts.

68 O.S. § 2880.1(D)

## ***Board of Tax Roll Corrections***

The Board of Tax Roll Corrections is authorized to hear and determine allegations of error, mistakes, or differences as to any item(s) contained in the tax rolls. Members of this board include the Chair of the Board of County Commissioners as chair, the Chair of the County Board of Equalization as vice-chairman, and the County Assessor. The County Clerk serves as Secretary and is a nonvoting member of this board.

68 O.S. § 2871(B)

Any taxpayer or the County Assessor has the right to appeal any decision made by the Board of Tax Roll Corrections to the District Court. Notice of appeal must be served to the County Clerk, as secretary of the Board of Tax Roll Corrections, and a copy served to the County Assessor. The appeal must be filed in the District Court within 15 days of the date the order of the Board of Tax Roll Corrections was mailed to the taxpayer.

68 O.S. § 2871(H)

The following paragraphs include information on some of the items of error, mistakes, or difference that can be heard by the Board of Tax Roll Corrections.

68 O.S. § 2871(C)

## **Assessment Errors**

- Any personal or real property assessed to any person, firm, or corporation not owning or claiming not to own the property



- The same property, whether real or personal, assessed more than once for the taxes of the same year
- Property, whether real or personal, assessed in the county for the taxes of a year for which it was not subject to taxation
- Any valuation assessed and entered included, in whole or in part, as of the date of assessment under the law, any property that had no taxable sites (location) in the county, did not exist, or had been erroneously placed
- Any property subject to taxation as of January 1 of any year, that was thereafter acquired by conveyance of title (including tax title), by the county, or any city, town, or school district
- Regarding personal property tax, if there is an error in the name of the person assessed or, regarding real property, the record owner at the time of assessment desires that his name be entered in lieu of whatever other name may have been entered as owner on the roll.
- Lands or lots erroneously described in any manner

### **Exemption Errors**

- Property exempt from taxation has been assessed.
- Exemption deductions allowed by law have not been taken into account.

### **Transcription Errors**

Any error in transcribing from the County Assessor's permanent survey record to the assessment rolls either as to area or value of lands or lots or as to improvements

### **Tax Levy Errors**

Any error in the tax extended against the valuation entered on the tax rolls, whether by erroneous computation or otherwise

## Valuation Errors

- Any valuations assessed and entered on the tax rolls that are at variance with the valuation finally equalized
- Any valuations returned for assessment and not increased by the County Assessor that have been entered on the assessment rolls for equalization that are at variance with the value returned, or in the event of increase by either the County Assessor or the County Board of Equalization and no notice was sent

Offer of proof or failure to receive notice may not be heard.

## Certificate of Error

When the Board of Tax Roll Corrections rules an error has been made, the County Clerk issues a certificate of error according to the following guidelines:

- For a tax increase  
A certificate of error is issued to the County Assessor to certify the increase to the County Treasurer.
- For no taxes due  
A certificate of error that shows the amount or other effect is issued to the County Treasurer to enter such correction on the tax roll.
- For a tax decrease  
A certificate of error is issued to the County Treasurer to decrease the amount of the tax charged and enter a credit in lieu of cash for the amount of the decrease.

## County Extension Office

The County Extension Office provides assistance and advice for county residents as described in [Chapter One, \*County Government in Oklahoma\*](#). According to the [Oklahoma Statutes](#), the Board of County Commissioners shall enter into a contract with the [Oklahoma Cooperative Extension](#)

70 O.S. § 3418  
A.G. Opinion 84-103

[Service](#) (OCES) at Oklahoma State University to provide agricultural, rural development, family, and youth services.

OCES runs the County Extension Office and hires, with the input of the Board of County Commissioners, the Director of the office.

Federal and state laws provide for funding personnel and programs through a cooperative agreement with USDA, OSU, state government, and county government. According to the Oklahoma Statute, the Board of County Commissioners shall include funds for the County Extension Service in the county's estimate of needs. The county provides office space and utilities and funds for travel and maintenance and operations. In counties with only two professional extension staff and a secretary, state and federal funds provide extension staff salaries and fringe benefits. In counties with additional staff, county government provides nearly all of the cost of salaries and benefits of the additional extension personnel.

### ***County Board of Health***

Every county in Oklahoma has the option to establish a County Board of Health. This board provides programs, services, and facilities in the interest of public health and safety. A County Board of Health has the authority to perform the following activities:

63 O.S. §§ 1-105e, 1-105f,  
1-106.1, 1-201

- Maintain a County Health Department
- Establish a District or Cooperative Department of Health with surrounding health boards
- Adopt regulations consistent with the laws of the State Board of Health

The County Board of Health has five members. The following entities appoint the indicated individuals as mandated by the Oklahoma Statutes:

- The Board of County Commissioners appoints one member with a MD or DO.
- The Board of County Commissioners appoints one County Commissioner or other appointee.
- The District Judge appoints one member with a school administrator's certificate.

- The State Commissioner of Health appoints two members.

### ***Department of Health or Superintendent of Health***

The County Board of Health has the option to form a County Health Department, which operates under a Medical Director. If the board does not form a County Health Department, the State Commissioner of Health appoints a County Superintendent of Health.

63 O.S. §§ 1-203, 1-204

### ***City-County Board of Health***

If a county has a population over 225, 000 and a city with a population over 150,000, the Board of County Commissioners and the governing body of the city can agree to form a joint City-County Board of Health. This board has the same duties as a County Department of Health.

63 O.S. § 1-214

### **Membership**

The City-County Board of Health has five members. The City Council or Commission of the city involved appoints five members and the Board of County Commissioners appoints four members.

### **Board of County Commissioners' Role**

If a county forms a City-County Board of Health, the Board of County Commissioners must take over some of the duties of the County Board of Health. The City-County Board recommends regulations to the Board of County Commissioners. The Oklahoma Statutes then require the Board to enforce all of the recommended rules that they deem reasonable and consistent with the State Board of Health's laws.

63 O.S. §§ 1-209, 1-213

### ***City/County Parks and Recreation Department***

Under the 1965 City-County Park and Recreation Act of Oklahoma, a densely populated county may contract with a city to establish and operate a recreation system. The county must not contain a city with a population of less than 1000.

19 O.S. § 934

### ***County Engineer***

Under the following conditions, the Oklahoma Statutes require the Board of County Commissioners to request an engineer or the [Oklahoma Department of Transportation \(ODOT\)](#) to prepare

69 O.S. § 633

69 O.S. § 624(E)

engineering specifications for the project. The state withholds any road funds from any county that does not employ an engineer or use an engineering consultant.

- When any culvert or bridge is to be constructed at an estimated cost of \$150,000
- When any culvert or bridge is to be reconstructed at an estimated cost of \$150,000
- When a grade-and-drainage project is to be developed, or reconstructed, replaced, or repaired at an estimated cost of \$400,000

Counties may now join with other counties located within their Association of County Commissioners of Oklahoma (ACCO) districts to form Circuit Engineering Districts (see Chapter Thirteen, Duties of the County Commissioner: Circuit Engineering Districts). Counties within these Circuit Engineering Districts may share an engineer hired by, or under contract to, a district.

69 O.S. § 687.1

69 O.S. § 624

## Duties

A County Engineer, engineering consultant, shared engineer (from Circuit Engineering District) or ODOT perform the following activities:

69 O.S. § 626

- Advise and assist in providing solutions to specific problem areas
- Provide guidance and make recommendations on procedures, methods, and materials with reference to roads, culverts, or bridges
- Assist in estimating overall job costs
- Be available in emergency situations where engineering evaluation and judgment is necessary
- Inspect road and bridge conditions and prepare necessary reports of findings and recommendations
- Prepare engineering plans and specifications
- Perform other such reasonable engineering functions that the Oklahoma Statutes prescribe

## County Engineers and Consultants

69 O.S. § 624

Counties have the option to hire a County Engineer as a county employee or use an engineering consultant on a job-to-job basis. Because some counties do a large amount of roadwork, they find it more convenient to employ a County Engineer as a full or part-time county employee. Other counties prefer to use engineering consultants when they need them. If a county cannot afford to hire an engineer or use an engineering consultant, the Oklahoma Statutes allow two to ten counties to hire a County Engineer or engineering consultant and share the cost. Counties can also share an engineer from their Circuit Engineering District.

## Oklahoma Department of Transportation

69 O.S. § 624

If a county cannot afford to employ a full or part-time engineer or hire an engineering consultant, even by sharing the cost with other counties, the county can request that ODOT provide engineering services free of charge. However, ODOT cannot act as a full-time engineer in charge of all county road activities.

If the necessary engineering specifications require an engineer to visit a site, the county can work with one of ODOT's Field Divisions. ODOT has field offices throughout the state. If a county needs ODOT to visit the site on a project, a County Road Engineer from one of ODOT's field offices can take over the engineering tasks.

## *County Board of Public Welfare*

56 O.S., § 164

The County Board of Public Welfare is the local agent of the Oklahoma Department of Public Welfare, the department that administers state and federal assistance to the needy in Oklahoma.

## Membership

The State Welfare Commission appoints three, five, or seven members. No member can be an elected official or candidate and all serve without compensation.

## County Commissioner's Role

The Board of County Commissioners provides the office quarters for the County Board of Public Welfare. The Board is also the official overseer of the poor and must take any lawful and necessary measures to assist the eligible poor in the county.

56 O.S. § 189a

## County Election Board

Not less than thirty-five days before an election authorized by the county, the Secretary of the County Election Board sends the following information to the Board of County Commissioners:

- An itemized estimate of the number of precinct inspectors, judges, clerks, and absentee voting board members necessary for the election
- An estimate of the compensation and employer's share of any benefits to be provided to each precinct inspector, judge, clerk, and absentee voting board member

Not less than fifteen days prior to the election, the Board of County Commissioners sends the Secretary of the County Election Board funds equal to the estimate for the items above. If the amount is not submitted ten days prior to the election, the Secretary is not required to hold the election. The Secretary deposits the funds received in the County Election Board Special Depository Account.

As soon as practicable after a county election, the Secretary of the County Election Board submits a claim to the Board of County Commissioners. The claim itemizes all of the election expenses and shows any payments already made. If any additional monies are owed, the Board of County Commissioners must pay the County Election Board within thirty days. The Secretary of the County Election Board deposits any monies received into the Special Depository Account and pays the election expenses.

## County Law Library

Each county can establish its own Law Library to provide free legal resources for judges, government officials, members of the bar and county residents. A board of law library trustees oversees the management of the library. This board appoints the librarian.

20 O.S. § 1208

All money collected for credit to the law library must be paid by the Court Clerk to the County Treasurer and kept in a separate continuing fund account called the Law Library Fund.

20 O.S. § 1203

### ***Planning Commission***

A Planning Commission draws up plans and zoning laws to promote efficient and safe use of the land. When a county forms a Planning Commission, they also form a Board of Adjustment to hear citizens' complaints.

A county has three choices in establishing a Planning Commission:

4. County Planning Commission
5. City-County Planning Commission
6. County Planning Commission for counties with over 500,000 population

### **County Planning Commission**

A County Planning Commission requires a resolution of the Board of County Commissioners and then majority approval of county residents in a special election. This commission has jurisdiction over only the unincorporated portions of a county and cannot apply its regulations or plans to farm homes, agricultural buildings, or croplands. However, cities and towns can request the advisory or coordinating services from their County Planning Commission.

19 O.S. § 865.52

19 O.S. § 865.53

19 O.S. § 865.69

### **Authorities of the Commission**

Whenever the County Planning Commission formulates a plan, they must submit the plan to a public hearing before they can vote to adopt, amend, or reject it. At least four members of the Commission must approve the plan to adopt it. The plan becomes official when the Board of County Commissioners approves it. If a citizen wants to protest the plan, the Board of Adjustment holds public hearings to consider the complaint.

19 O.S. §§ 865.58, 865.63

### **Commission Members**

Since the concerns of the County Planning Commission are primarily county rather than municipal, the Board of County Commissioners determines most of the members of the commission:

19 O.S. § 865.55



- The Board of County Commissioners appoints three of the commission members.
- The Chairman of the Board of County Commissioners serves or chooses another member to serve.
- The mayor of each incorporated municipality with a population of over 1,000 selects each additional member.

The Board of County Commissioners also appoints all five members of the Board of Adjustment.

19 O.S. § 865.62

### **City-County Planning Commission**

In any county with no city with a population over 200,000, county and local officials can create a Metropolitan Area Planning Commission (MAPC) and a County Board of Adjustment.

19 O.S. § 866.1

This commission meets monthly to consider planning proposals that would benefit the entire city-county community. The law stipulates that the Board of County Commissioners in a MAPC county must submit their proposed planning regulations to the commission for approval.

19 O.S. §§ 866.8, 866.9

#### **Authorities of the Commission**

The law authorizes the City-County Commission to take advantage of all services, funds, and advice through federal, state, and local governments. In addition to receiving the necessary appropriations from city and county funds, the commission can also contract for state and federal grants to support its programs.

19 O.S. § 866.35

Although this commission demands a truly coordinated effort, city, and county each maintain distinct and separate powers. The city may make decisions concerning housing codes, additional urban planning, urban renewal, land use studies, surveys, conservation plans, and other needs and projects. The county's jurisdiction includes such items as zoning, housing, building, and construction codes – generally excluding incorporated areas, transportation plans and facilities, capital improvement programs, regulations for land subdivisions, urban research, and conservation.

19 O.S. § 866.2

#### **Commission Members**

The membership of the commission reflects the cooperative nature of its functions and comprises the following members:

19 O.S. § 866.7

- The Board of County Commissioners appoints four members, who cannot be residents of any incorporated city or town.
- The mayor appoints four members who are confirmed by the City Council
- Each incorporated town or city within the commission's jurisdiction provides a member.
- The mayor or a member of the city's governing body appointed by the mayor is an ex officio member.
- The Chairman of the Board of County Commissioners or a member appointed by the Chairman acts as an ex officio member.

### **County Planning Commission for Counties Over 500,000 Populations**

Large counties with populations over 500,000 can create a County Planning Commission and a County Board of Adjustment. With this commission, like the other commission types, the city and county each maintains its distinct identity and jurisdiction. Both the Planning Commission and the Board of Adjustment have authority only over unincorporated areas, and any conflict is resolved in favor of the town or city.

19 O.S. § 868.1

#### **Commission Members**

The Board of County Commissioners appoints all seven members of this County Planning Commission:

19 O.S. § 868.2

- One member is a County Commissioner.
- Six members are residents of unincorporated parts of the county.

The five members of the Board of Adjustment include the following persons:

19 O.S. § 868.3

- Three members are resident property owners appointed by the Board of County Commissioners.
- One member is a resident of the county seat.

- One member is an attorney licensed by the Oklahoma Bar.

### **Board of County Commissioner's Role**

These Planning Commission members are authorized to draw up a master plan, which they must present in one public hearing before they can adopt it. However the Board of County Commissioners has the authority to pass zoning regulations, not the Planning Commissioners.

19 O.S. §§ 868.6, 868.11

Nevertheless, the Board of County Commissioners must submit any proposed zoning laws to the Planning Commission for recommendations and public hearings. After the Planning Commission prepares a report of its findings, the Board of County Commissioners can then vote to adopt the regulations or to return them for further study by the Planning Commission.

19 O.S. § 868.15

### **County Public Defender**

If the presiding judge in a criminal proceeding determines that the accused cannot afford private counsel, the judge then requests the free services of the county's Public Defender or a duly-appointed assistant. The Public Defender may represent such persons in any or all steps of the judicial process: the arraignment, trial, and appeal of conviction.

10 O.S. § 24

### **Appointment**

The Board of County Commissioners appoints as Public Defender an attorney that the District Attorney and the Judge of the Court of Record recommend. Judges of Courts of Record decide whether the county can hire a full-time or part-time Public Defender when they work on a budget. They also determine whether they can employ assistants to the Public Defender.

19 O.S. § 137.2

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## Appendix A

# Using the Oklahoma Statutes

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Knowing how to find information in the *Oklahoma Statutes* is essential for County Commissioners.



**For any questions on how to interpret a statute or law, the County Commissioner should request legal advice from the District Attorney's office.**

19 O.S. § 215.5

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## The Oklahoma Statutes

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The *Oklahoma Statutes* are made up of statutes, supplements, and session laws.

All the laws enacted, amended, and repealed since statehood comprise a multi-volume set published every ten years. For example, the *Oklahoma Statutes, 2001* contains all the laws passed from statehood up to and including the 2001 legislative session.

### ***The Supplements***

Each year, legislators publish a Supplement containing all the laws enacted, amended, or repealed since the *Oklahoma Statutes* were last published. Therefore, a full reading of the law would require the reader to consult the *Oklahoma Statutes* and the latest Supplement.

## ***Session Laws Citations***

Following each session of the state legislature, all laws enacted in that session are published as the Oklahoma Session Laws for that year.

In the interim between the time legislators pass the laws and the time they publish the Annual Supplement to the *Statutes*, the Oklahoma Session Laws are the only reference available for the new laws. In order to find a law, either the date of passage or the number of the Bill is needed, as the Session Laws index lists laws both chronologically and by number.

## ***Index***

The last volume of the *Oklahoma Statutes* has two parts. The first part is an alphabetical index of topics found in the previous volumes. The second part presents tables showing where the laws from former revisions and compilations appear in the most recent compilation.

## ***Alphabetical Index***

The index to the *Statutes* is organized by major topics. Following each major topic heading is an alphabetical list of subentries to the major topic. Each subentry may be further subdivided as well. Following each subentry is the Title and section where you can find it. For example, to find the laws addressing fees charged by Court Clerks, locate the major topic heading "Court Clerk" and search the alphabetical list under the heading for "Fees."

This particular example appears in the index in the following manner:

COURT CLERKS

Fees, 28§31, 151 et. seq.

Alimony without divorce, 28§152

Conveyances, 28§32

Divorce Actions, 28§152

Therefore, statutes addressing fees are in Title 28, Section 31 and Section 151 and the following sections (et. seq. means "and following").

Other notations following a concept listing are

- *generally, this index* means the subentry is a major topic
- elsewhere in the index
- *ante* means the concept is listed prior to that listing under the same topic heading
- *post* means the concept is listed after that concept listing under the same
- topic heading

## Tables

The tables in the index help locate a statute only the session law date and number are known. For example, to find the location of the session law "laws 1970, C. 110§1" in the *Oklahoma Statutes, 1991*, locate the table for "laws 1970" under the major heading "session laws 1931-1991." The table reads as follows:

### Laws 1970

| Chapter | Section | Title | Section              |
|---------|---------|-------|----------------------|
| 110     | -----   | 1     | ----- 19 ----- 138.4 |

## A Closer Look

Statutes, supplements, and session laws are made up of Titles, which are divided into chapters, which are divided into sections.

## Titles

Each part of the *Oklahoma Statutes* is organized into major categories called Titles, which are arranged alphabetically by the title of the category. These are Titles. Each Title is numbered consecutively in both the Table of Contents and throughout the *Statutes*. The Titles listed in Volume I begin as follows:

| <u>Title</u>   | <u>Page</u> |
|----------------|-------------|
| 1. Abstracting | 187         |

|                          |     |
|--------------------------|-----|
| 2. Agriculture           | 192 |
| 3. Aircraft and Airports | 412 |

Thus, a reference made to "Title 2 of the *Statutes*" is actually a reference to laws generally pertaining to agriculture.

## Chapters and Sections

Each Title in the *Statutes* is organized by chapters which pertain to the major topic of the Title. Chapters are further divided into sections. Instead of starting over with one at every new chapter, sections are numbered continuously throughout each Title, so that only the Title and section number need be known. The chapter number is unnecessary.

At the beginning of each Title, a listing of the chapter headings and section numbers can be found. Thus, Title 19, Counties and County Officers, is subdivided in the following manner:

| Chapter                                | Section |
|----------------------------------------|---------|
| 1. Status and Powers of Counties       | 1       |
| 2. Creation and Alteration of Counties | 11      |
| 3. Assets and Liabilities Among        | 61      |

Constitutional Counties

At the beginning of each chapter is a complete list of topics covered in that chapter and sections where topics are found. For example, Title 19, Chapter 1, begins as follows:

### Chapter 1: Status and Powers of Counties

#### Section

1. Powers in General
2. Property of County
3. Powers of County Exercised by Board of County Commissioners



The symbol designating a section in the *Statutes* is §. Therefore, Title 19, of the 2001 *Oklahoma Statutes*, section 116 is written

19 O.S. §116. *Statutes* from the 2001 volumes usually do not have a date indication. If the law has been changed or a new law has been passed, references from the Supplements are written

19 O.S. 2003, §116 to show that the law must be looked up in the *2003 Supplement* for the latest version.

After each section of the *Statutes* will be a footnote listing the following information:

- The year in which the law enacted
- The year(s) in which amendments were made
- The date on which the law or amendment became effective if an emergency was declared
- The chapter (or page number) and the section of the Oklahoma Sessions
- *The Laws at which the law or amendment is found*

For example, following 19 O.S. §165 is the footnote:

Laws 1979, C. 221, §5, emerg. eff. May 30, 1979

Laws 1980, C. 302, §2, eff. July 1, 1980.

Therefore the law relating to 19 O.S. §165 was enacted in 1979, is found at Chapter 221, Section 5 of the Oklahoma Session Laws 1979, and became effective May 30, 1979. The law was amended in 1980. The amendment can be found at Chapter 302, Section 2 of the Oklahoma Session Laws 1980. The amendment became effective July 1, 1980.

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## Appendix B

# History of the Handbook for County Commissioners of Oklahoma

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In the fall of 1973, the Center for Local Government Technology and the Oklahoma State University Extension network conducted a series of seminars, workshops, and interviews throughout Oklahoma to learn what local officials needed in terms of technical assistance and service. One of their needs was a handbook for County Commissioners.

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### The First Edition

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Although the Center for Local Government Technology scheduled actual work on the handbook project to begin January 1, 1975, both Craig and Pontotoc County Extension Directors requested that the Center for Local Government Technology (CLGT) complete the handbook by January 1, 1975, as both counties would have a completely new Board of County Commissioners assuming office at this time. A quick investigation indicated that over one-third of the County Commissioners of the state would be new to their office on January 1, 1975.

The Board of Directors of the Association of County Commissioners of Oklahoma (ACCO), the Office of the State Auditor and Inspector (SA&I), the Oklahoma Tax Commission, the Revenue Sharing expert of the Office of Community Affairs and Planning, and representatives of the Cooperative Extension Service were all contacted concerning the requests from Craig and Pontotoc Counties. Everyone agreed that in view of the current number of newly-elected County Commissioners across the state, a series of educational meetings for all newly-elected County Commissioners should be launched as soon as possible after January 1, 1975. The meetings would provide the necessary feedback for the development of a handbook specifically for newly-elected County Commissioners.

Thus, with feedback from meetings all over the state, the first *County Commissioners' Handbook* was completed in 1975. Its purpose was to provide County Commissioners with an interpretation and explanation of their statutory and constitutional responsibilities. It was the first of several editions to follow.

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## The Second and Third Editions

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In the Fall of 1978, once again a large number of County Commissioners were being elected for their first terms. ACCO requested that the County Government Services Center at OU and CLGT and the Oklahoma Cooperative Extension Service (OCES) at OSU revise the *County Commissioners' Handbook* and conduct a series of meetings for newly-elected County Commissioners in January, 1979.

In May 1982, House Bill 1606 created the Commission on County Government Personnel Education and Training. It also specified that the Commission would accomplish its goals through the CLGT and OCES at Oklahoma State University. An Advisory Board of County Commissioners, in July 1982, requested that they create the third edition of the handbook as one of the first efforts of the Commission.

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## The Fourth, Fifth, and Sixth Editions

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Since 1982, considerable legislative activity had rendered the handbook inaccurate or lacking in several areas. Therefore, CLGT and OCES revised the *Handbook for County Commissioners of Oklahoma* in December 1986, and then again in 1990 and 1994.

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## The Seventh Edition

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The 1999 edition of the *Handbook for County Commissioners of Oklahoma* not only has a new name, but it has a new format and several new chapters. New information has been added to keep the handbook

up-to-date with the changes in the *Oklahoma Statutes* and the increased responsibilities that County Commissioners face. This edition is a joint effort of the Education Committee of ACCO, CLGT, OCES, SA&I, and the Oklahoma Tax Commission.

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## The Eighth Edition

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The 2004 edition of the *Handbook for County Commissioners of Oklahoma* uses new technology. The handbook is no longer a printed hard copy in a binder. It is now an interactive digital document on a compact disk (CD) with links to statute and other references, color, photos, and many other benefits afforded by a digital document.

The CD containing the handbook also contains the Handbook for County Clerks of Oklahoma, The Handbook for County Treasurers of Oklahoma, the Handbook for County Assessors of Oklahoma, The Purchasing Handbook for Oklahoma Counties, and two forms documents.

Once again, this edition was a combined effort of the ACCO Handbook Review Committee, CLGT, OCES, SA&I, and the Oklahoma Tax Commission.

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## The Ninth Edition

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The 2012 edition of the *Handbook for County Commissioners of Oklahoma* is now available on the Internet, on the County Training Program website under “Handbooks”. Also available under “Handbooks” are the 2012 versions of the Handbook for County Clerks of Oklahoma, The Handbook for County Treasurers of Oklahoma, and the Purchasing Handbook for Oklahoma Counties. Having the handbooks on the web facilitates more frequent updates.

Members of the County Training Program in OCES at OSU worked with members of the ACCO Handbook Review Committee, which included County Commissioners and ACCO staff, and representatives from SA&I and CLGT on this revision.

Several changes, revisions, and additions have been made to the handbook to reflect the new and revised statutes and the ever-changing profile of the County Commissioner’s office.

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